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CEQ RELEASES PRESIDENT'S EIGHTH ANNUAL ENVIRONMENTAL QUALITY REPORT

For further details see page 3.

CEQ CHAIRMAN WARREN DISCUSSES NEPA REGULATIONS AT ALI/ABA CONFERENCE ON ENVIRONMENTAL LAW

Slimming Down: The Leaner Look of the New NEPA Regulations, a speech given by Charles Warren on February 10, 1978, is reprinted on pages 6 through 21.

CEQ ADDRESSES ISSUE OF APPLICATION OF NEPA TO FEDERAL ACTIVITIES ABROAD

The January 19, 1978 Memorandum to Heads of Agencies on Application of the National Environmental Policy Act Abroad, with attachments, is reprinted beginning on page 22.

A speech by Charles Warren to the Third Annual Conference of the National Association of Environmental Professionals appears on pages 41 through 57.

WRC ADOPTS FLOODPLAIN MANAGEMENT GUIDELINES FOR IMPLEMENTING EXECUTIVE ORDER 11988

The Executive Summary of Floodplain Management Guidelines for Implementing Executive Order 11988, adopted by the U.S. Water Resources Council on January 25, 1978, appears on page 58. Reprints of the Guidelines are available from the U.S. Water Resources Council, 2120 L Street, N.W., Washington, D.C. 20037.

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CEQ
EXECUTIVE OFFICE OF THE PRESIDENT
COUNCIL ON ENVIRONMENTAL QUALITY • 722 JACKSON PLACE, N.W. • WASHINGTON, D.C. 20006

News Release

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HOLD FOR RELEASE
February 28, 1978
2 p.m.

For the first time since World War II, Pearl Harbor is open to the public for swimming and fishing, according to the eighth annual report of the Council on Environmental Quality (CEQ), submitted to Congress by President Carter today.

Pearl Harbor is one of 50 U.S. bodies of water, once considered severely polluted or even dead, cited in the report as successful examples of environmental clean-up efforts.

In addition, the report says, the five major air pollutants for which EPA standards have been established can be brought to acceptable levels in all but a few urban areas by 1990.

The Council on Environmental Quality cautioned, however, that rigorous abatement efforts will be essential if we are to meet national air and water quality goals.

Water Quality

"Although Congress' goal of fishable and swimmable waters by 1983 is a long way away," CEQ Chairman Charles Warren said, there was "unmistakable and heartening evidence that water pollution abatement is paying off -- with valuable results." The CEQ report lists 50 examples of lakes, rivers, and streams across the country that were once severely polluted but are now greatly improved. For example:

- Smallmouth bass, bluegills, and other fish have returned to Connecticut's Naugatuck River, even in places where no aquatic life could survive two decades ago, thanks to the installation and upgrading of industrial and municipal treatment facilities.

- State water quality standards for the protection of aquatic life are now being met throughout the lower Tombigbee River, including a 5-mile stretch once known as the "fish kill capital of Alabama."

- Swimming, fishing, and canoeing are now possible in a 55-mile stretch of New Hampshire's Pemigewasset River that had been in a nuisance condition in the 1960's.

- The cleanup of the Detroit River is one of the best known successes in water pollution abatement. Walleye, pike muskellenge, coho salmon, and brown trout are

back in the river. In the 1950's and 1960's, it was considered a dead river, with thousands of ducks killed each winter when they landed in polluted water through openings in the ice.

Nationwide analyses by CEQ, EPA, and USGS also show that the commitment to improving sanitary water quality is paying off. There are significant improvements in most areas. Nonetheless, safe swimming criteria for fecal bacteria are still violated 31 percent of the time at 334 national network monitoring sites, and 57 percent of the time downstream of 25 municipal study areas.

In coming years, toxic pollution will probably pose the nation's most important water pollution problem. CEQ analyses show that hazardous pesticides that have been banned for several years still persist in the sediments of water bodies, although their occurrence in the water has been greatly reduced. Toxic metal pollution was cited by 35 of 41 states reporting water quality problems to the Environmental Protection Agency in 1976, and eight states presently regard polychlorinated biphenyl (PCB) contamination as one of their most important water pollution problems.

Air Quality

Reporting on air quality, CEQ concludes that with aggressive control programs, the five major criteria pollutants, particulates, SO_2, NO_2, CO and ozone, can be brought to acceptable levels in all but a few urban areas by 1990. Particulates and sulfur dioxide have been reduced to the point that very few regions are now experiencing significant violations of the standards for these pollutants.

Photochemical oxidants (primarily ozone) and carbon monoxide (CO) are now the major air pollution threat in most U.S. cities. Three urban areas -- the south coast basin of California (around Los Angeles), the Houston-Galveston area, and Philadelphia -- are likely to be significantly above the ambient ozone standard in 1990. CEQ projects that most urban regions will achieve the CO standard in 1985. By 1990, the 16 cities with the worst problems should all meet the CO standard.

CEQ cautioned, however, that rapid conversion to the use of coal could create problems that must be carefully assessed. While control systems, such as scrubbers to remove sulfur dioxide, can mitigate local effects, rapid growth and heavy regional use of coal may create serious air quality problems that are not covered by the present standards for criteria pollutants. Extensive use of coal could lead to increased emissions of sulfates, nitrates, trace metals, and carcinogenic pollutants.

Economics of Pollution Control

According to CEQ estimates, the nation spent $40.6 billion for pollution control in 1977, approximately $187 per capita.

This was equivalent to 2.15 percent of our gross national product. Approximately half, however, would have been spent without environmental legislation; only $18.1 billion, or less than one percent of our GNP, was spent in response to environmental laws. The proportion of total plant and equipment expenditures made for pollution control has not increased substantially in the last 5 years.

CEQ also projects that the incremental pollution abatement costs (the additional costs resulting from federal environmental regulations beyond what would have been spent in the absence of environmental legislation) will total $289.1 billion for 1976 through 1985. This is essentially the same as past years' estimate after adjusting for inflation and a change in the period covered. Slightly over half, $153 billion, is for air pollution control and 40 percent, $117 billion is for water pollution control. Throughout the report CEQ stresses that the U.S. has made important improvements in our environment and is realizing such economic benefits as lower expenditures for health maintenance and for protection, maintenance, and repair of property.

On the basis of its macroeconomic analyses, the Council does not expect pollution control expenditures to have a major impact, either positive or negative, on the economy. With respect to employment, CEQ notes that the National Academy of Sciences estimated that in 1974, 677,900 people were employed directly for pollution abatement. The number has probably increased since then, CEQ notes, because of increased pollution control expenditures.

The 1977 Annual Report is the eighth prepared by the Council since CEQ was created by the National Environmental Policy Act in 1970. This year's report is in two major sections: Events of the Past Year, which summarizes legislation, court rulings, and other major developments through the summer of 1977; and Conditions and Trends, which features analyses of actual and anticipated changes in environmental quality. Highlights of the report are attached.

SLIMMING DOWN:
THE LEANER LOOK OF THE NEW NEPA REGULATIONS

REMARKS BY

CHARLES WARREN, CHAIRMAN
COUNCIL ON ENVIRONMENTAL QUALITY

ENVIRONMENTAL LAW CONFERENCE
SPONSORED BY
AMERICAN LAW INSTITUTE -
AMERICAN BAR ASSOCIATION

WASHINGTON, D.C.
FEBRUARY 10, 1978

In deference to the style of our times, I should give you first, the good news, then the bad news. But I have only good news to offer you today.

So first, the first good news. As many of you are aware, the Senate is currently engaged in a fundamental revision of the federal criminal statutes. Some conflicting laws are being reconciled, some repetitious ones merged, and a few outmoded laws are being thrown out. One of these latter, for example, penalizes any interference with federal carrier pigeons. If the Senate's revisions go through, you will hereafter be able to interfere with federal carrier pigeons all you want, with impunity. Freedom is in the air.

CEQ has been engaged in some revision, too. Hence the second good news: our new regulations governing compliance with the National Environmental Policy Act delineate a more efficient, less ulcer-inducing procedure for translating the law into practical action. The regulations do so, moreover, without compromising the Congressional objective of environmental protection.

Before defending those assertions, let me offer a bit of background. To assist federal agencies in

COMPLYING WITH NEPA, PREVIOUS COUNCILS ISSUED "GUIDELINES". IN DECIDING NEPA-BASED SUITS, SOME COURTS GAVE THOSE GUIDELINES GREAT WEIGHT, WHILE OTHERS ACCORDED THEM LESS DIGNITY. TO RESOLVE THE CONFUSION STEMMING FROM THE AMBIGUOUS AUTHORITY OF THE GUIDELINES, PRESIDENT CARTER ORDERED CEQ TO REPLACE THEM WITH REGULATIONS. MOREOVER, THOSE REGULATIONS WERE TO ADDRESS ALL NINE SUBDIVISIONS OF SECTION 102(2), NOT JUST THE EIS PROVISION THAT THE GUIDELINES COVERED. IN THAT SAME EXECUTIVE ORDER, OF MAY 24, 1977, THE PRESIDENT INSTRUCTED US THAT THESE REGULATIONS SHOULD BE:

> ". . . DESIGNED TO MAKE THE ENVIRONMENTAL IMPACT STATEMENT PROCESS MORE USEFUL TO DECISION-MAKERS AND THE PUBLIC; AND TO REDUCE PAPERWORK AND THE ACCUMULATION OF EXTRANEOUS BACKGROUND DATA, IN ORDER TO EMPHASIZE THE NEED TO FOCUS ON REAL ENVIRONMENTAL ISSUES AND ALTERNATIVES. THEY WILL REQUIRE IMPACT STATEMENTS TO BE CONCISE, CLEAR, AND TO THE POINT, AND SUPPORTED BY EVIDENCE THAT AGENCIES HAVE MADE THE NECESSARY ENVIRONMENTAL ANALYSES."

GIVEN THIS PRESIDENTIAL MANDATE, WHAT HATH CEQ WROUGHT?

OUR WORK CAN BE CATEGORIZED UNDER THREE HEADINGS: REDUCING PAPERWORK, REDUCING DELAY, AND PRODUCING BETTER DECISIONS. I'LL TAKE UP REDUCING PAPERWORK FIRST.

THE NEW REGULATIONS AIM AT THIS GOVERNMENTAL VERSION OF THE HOLY GRAIL IN SEVERAL WAYS. THEY STATE THAT THE TEXT OF FINAL EISs SHALL NOT "NORMALLY" EXCEED 150 PAGES, AND THAT STATEMENTS ON PROPOSALS OF "UNUSUAL SCOPE OR COMPLEXITY" SHOULD NOT RUN BEYOND 300 PAGES. THE REGULATIONS CALL FOR EMPHASIZING THE REAL OPTIONS AMONG ALTERNATIVE COURSES OF ACTION -- INCLUDING THAT MOST OVERLOOKED COURSE OF ALL, NO ACTION -- RATHER THAN OBSCURING SUCH CHOICES IN PILES OF DATA. THIS EMPHASIS IMPLIES, AMONG OTHER CONSIDERATIONS, SELECTING A RELATIVELY FEW ISSUES FOR EXTENSIVE ANALYSIS, WHILE TREATING PERIPHERAL MATTERS BRIEFLY.

THE REGULATIONS SPELL OUT A STANDARD FORMAT, FROM COVER SHEET TO APPENDICES, AND URGE THAT THIS FORMAT BE FOLLOWED UNLESS THERE IS "COMPELLING REASON TO DO OTHERWISE." THE PURPOSE HERE IS TO ELIMINATE REPETITIVE DISCUSSION, SO THAT THE SNAIL DARTER OR THE PLUTONIUM OR THE KEPONE -- OR WHATEVER IT IS YOU ARE CONCERNED ABOUT -- DOES NOT CONTINUE TO SHOW UP CHAPTER AFTER CHAPTER, GARBED IN DIFFERENT ROMAN NUMERALS.

THE REGULATIONS ADVOCATE WRITING IN "PLAIN LANGUAGE". WE DEVOTE 53 WORDS TO THIS TROUBLING CONCEPT, AND IF THEY ACHIEVE THEIR GOAL, THE COUNCIL EXPECTS TO SELL THOSE WORDS TO EVERY UNIVERSITY IN THE COUNTRY AT $1000 EACH. PER EACH WORD, I MEAN. PER EACH UNIVERSITY. I HOPE I MAKE MYSELF PLAIN.

THE REGULATIONS ALSO CALL FOR A SUMMARY OF THE EIS, AND STATE THAT THIS SUMMARY WILL NORMALLY BE 5 TO 15 PAGES LONG. IT SHOULD "STRESS THE MAJOR CONCLUSIONS" OF THE IMPACT STATEMENT, HIGHLIGHT THE AREAS OF CONTROVERSY -- ESPECIALLY THOSE RAISED BY OPPONENTS OF THE ACTION -- AND FOCUS ON THE ISSUES TO BE RESOLVED.

AS ANOTHER METHOD FOR REDUCING PAPERWORK, THE REGULATIONS PROVIDE FOR FEDERAL AGENCIES TO JOIN STATE AND LOCAL UNITS OF GOVERNMENT IN PREPARING A JOINT EIS; THIS APPLIES, OF COURSE, ONLY TO STATES THAT HAVE EIS REQUIREMENTS DUPLICATING NEPA. FEDERAL AGENCIES MAY ALSO ADOPT STATEMENTS PREPARED BY ANOTHER FEDERAL AGENCY. THE POINT, IN EITHER CASE, IS TO ELIMINATE THE PREPARATION OF TWO OR THREE EISs WHEN ONE WILL DO.

EACH OF THESE PROPOSITIONS, I BELIEVE, MAKES INHERENT SENSE. BUT AS SOME OF YOU MAY HAVE PERCEIVED, THEY BEG SOME FUNDAMENTAL QUESTIONS. WHO IS TO DECIDE, FOR EXAMPLE, WHICH ISSUES ARE "SIGNIFICANT", AND WHICH

"PERIPHERAL"? WHO IS TO DECIDE WHETHER A PROJECT IS A "NORMAL" PROJECT, WHOSE ENVIRONMENTAL IMPACTS CAN BE DISCLOSED IN 150 PAGES, OR AN UNUSUALLY "COMPLEX" PROJECT THAT REQUIRES 300 PAGES? WHO IS TO DECIDE WHICH OPTIONS AMONG ALTERNATIVE COURSES OF ACTION REQUIRE EXTENSIVE ANALYSIS, AND WHICH CAN BE COVERED IN A PARAGRAPH OR TWO?

THE LEAD AGENCY WILL ULTIMATELY DETERMINE THESE MATTERS, BUT UNDER A NEW PROCEDURE WE HAVE CALLED "SCOPING" -- A TERM WE BORROWED FROM MASSACHUSETTS PRACTICE. IN ESSENCE, SCOPING IS A PROCESS OF DETERMINING -- IN A MEETING OR SERIES OF THEM, HELD BY THE SPONSORING AGENCY WITH THE PARTICIPATION OF OTHER INTERESTED PARTIES -- WHICH ISSUES SHALL BE EMPHASIZED IN THE EIS. THE REGULATIONS SPECIFY THAT THE AGENCY SHALL HOLD SCOPING MEETINGS AS EARLY IN THE NEPA PROCESS AS POSSIBLE . . . SHORTLY AFTER IT HAS DECIDED TO PREPARE AN EIS, IN MOST CASES, SO THAT SCOPING CAN BE INTEGRATED WITH OTHER PLANNING.

WE SPECIFY THAT THE MEETINGS SHOULD INCLUDE NOT ONLY REPRESENTATIVES OF FEDERAL, STATE, AND LOCAL GOVERNMENTS, AND PROPONENTS OF THE ACTION, BUT ALSO PERSONS WHO "MIGHT NOT BE IN ACCORD WITH THE ACTION."

AT THESE MEETINGS, THE FOLLOWING MATTERS AMONG OTHERS SHALL BE RESOLVED:

* THE SCOPE OF THE EIS AND THE SIGNIFICANT ISSUES TO BE ANALYZED IN DEPTH.
* WHICH ISSUES OF LESSER IMPORTANCE, OR THOSE THAT HAVE BEEN COVERED BY PREVIOUS ENVIRONMENTAL REVIEW, CAN BE EXCLUDED FROM DETAILED STUDY.
* HOW RESPONSIBILITY FOR THE EIS WILL BE ALLOCATED AMONG THE LEAD AND COOPERATING AGENCIES.

IN ADDITION, AT THE SCOPING MEETING, THE LEAD AGENCY MAY SET PAGE AND TIME LIMITS FOR ENVIRONMENTAL DOCUMENTS.

THIS SCOPING PROCESS, TOGETHER WITH THE OTHER PROVISIONS AIMED AT REDUCING PAPERWORK, WILL GO FAR TOWARD ADDRESSING SOME OF THE MOST FREQUENT CRITICISMS OF EISs. DURING THE SERIES OF PUBLIC HEARINGS CEQ HELD BEFORE DRAFTING THE NEW REGULATIONS, WITNESS AFTER WITNESS COMPLAINED ABOUT THE LENGTH OF EISs AND THEIR DETAIL. SUCH BULKY DOCUMENTS, THEY SAID, MADE IT EXTREMELY DIFFICULT TO DISTINGUISH THE IMPORTANT FROM THE TRIVIAL. ALMOST ALL ADVOCATED A DRASTIC CUT IN THE AMOUNT OF DATA

PROVIDED . . . ESPECIALLY PERIPHERAL ECOLOGICAL INFORMATION THAT WE HAVE COME TO TERM "DANDELION COUNTS".

BUT ONE ATTORNEY EXPERIENCED IN DEFENDING EISs OFFERED AN INTERESTING REJOINDER TO THIS: HE COULD NOT IN GOOD CONSCIENCE, HE SAID, ADVISE A CLIENT TO TRIM HIS EIS, TO EXCLUDE THE "DANDELION COUNTS". BECAUSE HE HAD NO WAY TO ANTICIPATE THE OBJECTIONS THAT MIGHT BE LODGED AGAINST A PROPOSAL. HE BELIEVED HIS CLIENT HAD TO ANTICIPATE TRIVIAL CRITICISMS AS WELL AS IMPORTANT ONES; HENCE, A BULKY EIS.

WE BELIEVE THAT SCOPING WILL RESOLVE THIS PROBLEM. WE CAN OFFER NO GUARANTEE THAT AN EIS PREPARED ACCORDING TO AN AGREEMENT ARRIVED AT BY SUPPORTERS AND OPPONENTS DURING THE SCOPING PROCESS WILL BE IMMUNE TO LATER CHALLENGE ON OTHER GROUNDS. WE DO BELIEVE, HOWEVER, THAT AN AGENCY WHICH MAKES A GOOD-FAITH EFFORT TO INVOLVE ALL INTERESTED PARTIES IN THE SCOPING PROCESS WILL BE UPHELD BY THE COURTS IF ITS EIS IS SUBSEQUENTLY CHALLENGED ON GROUNDS INITIALLY CONSIDERED, BUT REJECTED AS EXTRANEOUS OR MINOR.

SCOPING WILL NOT, OF COURSE, PRODUCE SWEET HARMONY AMONG ALL THE PARTIES INTERESTED IN AN ACTION. AT A BARE MINIMUM, HOWEVER, IT WILL HELP THEM AGREE ON WHAT TO

DISAGREE ABOUT. HENCE THE ENVIRONMENTAL ANALYSIS WILL FOCUS, RIGHT FROM THE FIRST, ON CONTROVERSIAL AREAS.

NEXT LET ME CONSIDER OUR PROVISIONS FOR REDUCING DELAY.

I HAVE ALREADY MENTIONED THAT THE NEW REGULATIONS PERMIT AN APPLICANT TO REQUEST TIME LIMITS ON THE NEPA PROCESS. ANOTHER IMPORTANT FACTOR IN REDUCING DELAY IS INTEGRATING ENVIRONMENTAL REVIEW INTO EARLY PLANNING. IN THE PAST, MANY AGENCIES POSTPONED THEIR ENVIRONMENTAL REVIEW UNTIL THEY HAD COMPLETED THE ECONOMIC AND TECHNICAL ANALYSIS. AS A RESULT, ONE OF TWO THINGS USUALLY HAPPENED: THE ENVIRONMENTAL REVIEW WAS TACKED ON TO THE PLANNING PROCESS, THUS PROLONGING IT, OR THE EIS WAS WRITTEN TO JUSTIFY A DECISION MADE PURELY ON TECHNICAL AND ECONOMIC GROUNDS; NO SERIOUS ENVIRONMENTAL ANALYSIS WAS REALLY CONDUCTED.

IN ORDER TO ELIMINATE BOTH RESULTS, EITHER OF WHICH CAN LEAD TO DELAY, WE REQUIRE AGENCIES TO INTEGRATE THE NEPA PROCESS INTO THEIR EARLY PLANNING. FURTHER, WE EMPHASIZE THAT AGENCIES SHOULD BEGIN COOPERATING WITH THE LEAD AGENCY BEFORE THE EIS IS PREPARED, RATHER THAN WAITING FOR A DRAFT TO CRITICIZE LATER. BY HAVING THE AFFECTED AGENCIES COOPERATE IN PREPARING AN EIS AT THE DRAFT STAGE, WE HOPE TO OBTAIN A I T THAT WILL BE

ADEQUATE WHEN FIRST MADE PUBLIC . . . ONE THAT WILL DO A BETTER JOB OF INFORMING THE PUBLIC AND WILL REDUCE DELAYS CAUSED BY THE ADVERSARY RELATIONSHIPS THAT HAVE OFTEN CHARACTERIZED THE PROCESS. WE ALSO OFFER CRITERIA FOR DETERMINING WHICH AGENCY SHALL BE THE LEAD AGENCY, AND WHICH THE COOPERATING AGENCIES, IF THE GOVERNMENTAL UNITS INVOLVED CANNOT AGREE AMONG THEMSELVES. AS A LAST RESORT, IF DISAGREEMENT ABOUT THE LEAD AGENCY PERSISTS, THE REGULATIONS PROVIDE THAT CEQ WILL DECIDE.

WITHIN SIX MONTHS AFTER THE NEW REGULATIONS ARE PUBLISHED IN FINAL FORM IN THE FEDERAL REGISTER, WE REQUIRE EACH AGENCY TO DEVELOP ITS OWN PROCEDURES FOR IMPLEMENTING THE REGS. AMONG THE DELAY-REDUCING PROVISIONS HERE IS ONE ASKING EACH AGENCY TO DEVELOP CRITERIA FOR EXCLUDING CATEGORIES OF PROPOSALS THAT HAVE NO SIGNIFICANT ENVIRONMENTAL IMPACT, AND THUS REQUIRE NO EIS. IN ADDITION, THE REGS PROVIDE -- AS DID THE GUIDELINES PREVIOUSLY -- FOR A FINDING OF "NO SIGNIFICANT IMPACT" FOR INDIVIDUAL PROPOSALS THAT DO NOT FIT INTO THE EXCLUDED CATEGORIES.

SPECIFIC AGENCY ACTIONS CAN BE CHALLENGED UNDER EITHER PROCEDURE, OF COURSE -- BUT WE RECOGNIZE THAT THERE IS A GREAT RANGE OF FEDERAL ACTIONS THAT HAVE

LITTLE OR NO EFFECT ON THE ENVIRONMENT; CONDUCTING AN "ENVIRONMENTAL REVIEW" ON EVERY SUCH ACTION IS LITTLE MORE THAN A CHARADE.

FINALLY, LET ME MENTION SOME FEATURES OF OUR REGULATIONS DESIGNED TO IMPROVE DECISION-MAKING. THIS, OF COURSE, IS THE FUNDAMENTAL PURPOSE OF THE NEPA PROCESS, THE END TO WHICH THE EIS IS A MEANS. SECTION 101 OF NEPA SETS THE SUBSTANTIVE REQUIREMENTS OF THE ACT, THE POLICY TO BE IMPLEMENTED BY THE "ACTION-FORCING" PROCEDURES OF SECTION 102. TO HAVE ANY MEANING, THESE PROCEDURES MUST BE TIED TO THEIR INTENDED PURPOSE. THE MOST CONSPICUOUS OF THESE PROCEDURES, THE EIS, IS REALLY USELESS PAPERWORK UNLESS IT IS USED BY AGENCY DECISION-MAKERS AND THE PUBLIC IN DETERMINING THE VALUE OF A PROJECT. MUCH OF THE PURPOSE OF OUR REFORMS HAS BEEN TO TIE MEANS TO ENDS, AND LAY TO REST THE NOTION OF PAPER PRODUCTION AS AN END IN ITSELF.

FIRST, THE REGULATIONS AIM AT PROVIDING MORE ACCURATE DOCUMENTS AS THE BASIS FOR SOUND DECISIONS. WE STATE THAT EISs SHOULD DRAW UPON ALL THE APPROPRIATE DISCIPLINES FROM THE NATURAL AND SOCIAL SCIENCES, PLUS THE ENVIRONMENTAL DESIGN ARTS. THE SELECTION WILL, OF COURSE, VARY WITH THE NATURE OF THE PROJECT -- BUT TOO MANY PROJECTS HAVE CAUSED TROUBLE BECAUSE ITS ENGINEERS

WERE IGNORANT OF BIOLOGY, OR ITS BIOLOGISTS WERE IGNORANT OF LOCAL CUSTOMS. I KNOW OF ONE AMERICAN PROJECT THAT SPREAD EYE-DISEASE BECAUSE ITS PLANNERS DID NOT EQUIP A SCHOOL WITH PAPER TOWELS, AND OF A RUSSIAN PROJECT THAT SPREAD BLOOD-DISEASE BECAUSE THE PLANNERS -- THOUGH THEY KNOW ALL ABOUT BUILDING DAMS -- DIDN'T KNOW ANYTHING ABOUT SNAILS.

ALSO UNDER THE HEADING OF "ACCURACY", THE REGULATIONS MAKE THE SUBMITTING AGENCY RESPONSIBLE FOR THE SCIENTIFIC OF OTHER PROFESSIONAL INTEGRITY OF THE ANALYSIS IN ITS EIS. THE AGENCY MUST SPECIFY THE ANALYTICAL METHODOLOGIES USED IN THE STATEMENT, AND EXPLICITLY IDENTIFY SOURCES RELIED ON FOR CONCLUSIONS. THE REGULATIONS CALL FOR A LIST -- NORMALLY NOT TO EXCEED TWO PAGES -- OF INDIVIDUALS WHO HELPED PREPARE THE EIS OR CONTRIBUTED BACKGROUND PAPERS TO IT, AS WELL AS THEIR PROFESSIONAL QUALIFICATIONS.

IF A CONTRACTOR IS EMPLOYED BY THE AGENCY TO PREPARE THE EIS, THE CONTRACTOR MUST EXECUTE A DISCLOSURE STATEMENT, PREPARED BY THE LEAD AGENCY, SPECIFYING THAT HE OR SHE HAS NO FINANCIAL INTEREST IN THE OUTCOME OF THE PROJECT. IN SUCH CASES, THE AGENCY REMAINS RESPONSIBLE FOR THE ANALYTICAL QUALITY OF THE EIS, AND MUST EVALUATE IT INDEPENDENTLY BEFORE APPROVING IT. THIS PROVISION

AND THE REQUIREMENT FOR A LIST OF PREPARERS ARE AIMED AT ELIMINATING CONFLICTS-OF-INTEREST -- OR, AT LEAST, AT MAKING SUCH CONFLICTS EASIER TO SPOT.

THE NEW REGULATIONS REQUIRE AGENCIES TO PRODUCE A CONCISE PUBLIC RECORD, INDICATING HOW THE EIS WAS USED IN ARRIVING AT A DECISION. IN PARTICULAR, THIS RECORD MUST STATE:

* WHAT THE AGENCY'S FINAL DECISION WAS.
* WHICH SPECIFIC CONSIDERATIONS OF NATIONAL POLICY LED TO THE AGENCY'S CHOICE AMONG ALTERNATIVES, IF THE ALTERNATIVE FINALLY SELECTED WAS NOT THE LEAST ENVIRONMENTALLY HARMFUL.
* LAST, WHETHER ALL PRACTICABLE MEANS TO AVOID OR MINIMIZE ENVIRONMENTAL DAMAGE HAVE BEEN ADOPTED. WHEN THE AGENCY AGREES TO MITIGATING MEASURES, THE PUBLIC RECORD SHALL ALSO DESCRIBE THE AGENCY'S PROGRAM FOR MONITORING AND ENFORCING THOSE MEASURES.

QUITE OFTEN, THE ACCEPTANCE OF A PROJECT DEPENDS ENTIRELY ON MITIGATIONS; IN THE ABSENCE OF A PROGRAM TO MINIMIZE ENVIRONMENTAL DAMAGE, THE PROPOSAL WOULD HAVE BEEN UNACCEPTABLE. IN THE PAST, HOWEVER, WE HAVE

HAD NO MECHANISM FOR ENSURING THAT MEASURES AGREED UPON DURING THE NEPA PROCESS WERE ACTUALLY IMPLEMENTED.

THE FINAL CATEGORY OF PROVISIONS IN THE NEW REGULATIONS AIMED AT IMPROVING DECISION-MAKING, ADDRESSES THIS PROBLEM. AGENCIES THAT HAVE ESTABLISHED MITIGATION MEASURES AS PART OF THEIR ACTION MUST SPELL OUT THOSE MEASURES AS CONDITIONS FOR THEIR GRANTS, PERMITS, OR OTHER APPROVALS; FUNDING FOR THAT ACTION ALSO REQUIRES THE RECIPIENTS TO AGREE TO MITIGATION MEASURES. MOREOVER, THE RESPONSIBLE AGENCY MUST REPORT ON ITS PROGRESS IN UNDERTAKING THE MEASURES IT SPECIFIED, AND MAKE AVAILABLE TO THE PUBLIC THE RESULTS OF ITS MONITORING.

AS YOU WILL HAVE SEEN, THE REGULATIONS DIFFER FROM THE GUIDELINES IN THEIR BREADTH AS WELL AS IN THEIR DETAILS. THE GUIDELINES WERE CONFINED TO SECTION 102(2)(c) OF THE ACT, WHICH CONCERNS ONLY EIS PREPARATION. THE REGULATIONS, BY CONTRAST, GOVERN ALL THE PROCEDURAL PROVISIONS OF NEPA. THEY REPLACE AN EMPHASIS ON A SINGLE DOCUMENT, THE EIS, WITH AN EMPHASIS ON THE ENTIRE NEPA <u>PROCESS</u> . . . FROM EARLY PLANNING THROUGH ASSESSMENT THROUGH EIS THROUGH PROVISIONS FOR FOLLOW-UP. THIS SHIFT IS, WE BELIEVE, FAR MORE FAITHFUL TO THE ORIGINAL CONGRESSIONAL INTENT IN ENACTING NEPA.

I AM UNCOMFORTABLY AWARE OF THE IMPERATIVE TONE OF SO MUCH OF THESE REMARKS. MOST OF THEM HAVE BEEN COUCHED IN TERMS OF "MUST", "SHALL", AND "WILL", AND I REALLY DON'T LIKE GIVING SPEECHES THAT MAKE ME SOUND LIKE A GENERALISSIMO.

IT'S IMPOSSIBLE, OF COURSE, TO DISCUSS REGULATIONS IN ANY OTHER MOOD. THE CRITICAL DIFFERENCE BETWEEN THESE REGULATIONS AND PAST CEQ GUIDELINES IS PRECISELY THE SHIFT FROM SUBJUNCTIVE TO IMPERATIVE . . . FROM SUGGESTIONS TO REQUIREMENTS.

BUT MY TONE WAS DICTATED BY THE SUBJECT MATTER, NOT BY ANY DELIGHT IN ISSUING ORDERS. THE OBLIGATORY NATURE OF THE NEW REGULATIONS WILL ELIMINATE MUCH OF THE UNCERTAINTY THAT STEMMED FROM THE PREVIOUS GUIDELINES, AND WILL LEAD TO MORE UNIFORM PROCEDURES FOR AGENCY COMPLIANCE WITH NEPA.

IN ADDITION TO FURNISHING THE NEPA PROCESS WITH A NEW BACKBONE, I BELIEVE THE REGULATIONS WILL BENEFIT EVERYBODY INVOLVED. THEY SHOULD MAKE EISs SHORTER AND BETTER, SHOULD SPEED THE DECISION-MAKING PROCESS AND, MOST IMPORTANT, IMPROVE THE QUALITY OF THOSE DECISIONS. MY COLLEAGUES AND I ARE GRATEFUL TO THE DOZENS OF GOVERNMENTAL AGENCIES, CORPORATION, LABOR UNIONS,

PUBLIC INTEREST GROUPS AND INDIVIDUALS WHO COLLABORATED WITH US IN DEVELOPING THE REGULATIONS. WE WORKED VERY HARD TO SELECT THE BEST OF THEIR SUGGESTIONS, AND TO INCORPORATE THEM IN A READABLE, UNAMBIGUOUS, USEFUL DOCUMENT. I HOPE YOU WILL CONCLUDE THAT WE SUCCEEDED.

EXECUTIVE OFFICE OF THE PRESIDENT
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January 19, 1978

MEMORANDUM TO HEADS OF AGENCIES

SUBJECT: Application of the National Environmental Policy Act to Federal Activities Abroad

Since the January 6 meeting to discuss the application to federal agency international activities of the National Environmental Policy Act (NEPA), several comments and concerns have been expressed which indicate that further explanation might lead to a better understanding and resolution of the issue.

Incidentally, no date has been set for your comments on this specific issue although we would appreciate your earliest reasoned response. The date for comments on our proposed general regulations circulated December 13, 1977 is January 23, 1978 but on request may be extended to February 6, 1978.

WHY THIS ISSUE AT THIS TIME?

In order to make the process of preparing environmental impact statements more efficient, economical and relevant, on May 23, 1977 President Carter issued an Executive Order directing CEQ to reform NEPA procedures. In the course of its work, CEQ identified two concededly difficult and controversial issues of which the subject issue is one. Consequently, we determined it to be advisable to direct agency attention to the problem and obtain assistance and advice before proceeding to the task of drafting applicable regulations on the issue. In short, CEQ is responding to a present duty to consider regulatory reform of NEPA and all its related aspects.

REQUIREMENTS OF NEPA

Concerning this issue the operative language of NEPA is:

> "The Congress...directs that to the fullest extent possible... all agencies of the Federal government shall...include in... major Federal actions significantly affecting the quality of

> the human environment, a detailed statement by the responsible official on -- (i) The environmental impact of the proposed action," etc.
>
> Section 102(2)(C)

Therefore, the statutory mandate is to (1) all Federal agencies who undertake (2) major Federal actions which (3) significantly affect the quality of the human environment.

The Act does not define or limit the geographical region of the "human environment" the quality of which is to be considered, and it does require that "all agencies of the Federal Government shall...recognize the worldwide and long-range character of the environmental problems". Section 102(2)(F).

JUCICIAL CONSTRUCTION

The extent to which NEPA has international application has been addressed by the courts on several occasions.

> In Wilderness Society v. Morton, 463 F.2d 1261 (D.C. Cir. (1972), the Court of Appeals for the District of Columbia granted standing to Canadian environmentalists in the Trans Alaska oil pipeline case where alternative routes went through Canada. The court did so because the Canadians' interests in the environmental impact in Canada were within the zone of interest protected by NEPA.
>
> In Sierra Club v. AEC, 4 ELR 20885 (D.D.C. 1974), AEC and Eximbank were sued to make them comply with NEPA. The AEC prepared an EIS on its overall nuclear export process, essentially settling the case, since AEC was the lead agency. The court assumed that governmental actions abroad were covered by the Act.
>
> Sierra Club v. Coleman, 405 F Supp. 53 (D.D.C. 1975) and 421 F. Supp. 63 (D.D.C. 1976). The Court ordered the Department of Transportation to consider the environmental impacts involved in the construction of a segment of the Pan-American Highway in Columbia and Panama, both as they affected the United States (migration of hoof and mouth disease) and as confined to Panama (effects on Indian culture).
>
> EDF v. AID, 6 ELR 20121 (D.D.C. 1975), involves a suit against AID to make it prepare an EIS on its pest management program. AID settled on terms which were approved by the Court. The settlement specifically contemplated covering local impacts within individual foreign countries.

PRIOR CEQ OPINIONS

CEQ, as the designated agency responsible for implementing agency compliance with NEPA, has been consistent in its interpretation of the Act since 1971. The most recent precedent is a September, 1976 CEQ memorandum opinion from Chairman Russell Peterson (Appendix A) advising all agencies that:

> "[W]e advise that NEPA requires analysis and disclosure in environmental statements of significant impacts of federal actions on the human environment -- in the United States, and other countries, and in areas outside the jurisdiction of any country."

The proposed draft regulations the Council has prepared and submitted to you recognize there are unusual and exceptional circumstances which may be recognized in the application of NEPA to governmental agency actions in other countries.

AGENCY EXPERIENCE

Some agencies for some actions have administratively determined to conform with NEPA requirements for their activities abroad. Examples are:

- the State Department's recent EIS on the Panama Canal Treaties
- the Department of Interior's and Federal Power Commission's EISs on natural gas pipelines and alternatives from Alaska across Canada to the lower 48 states
- NOAA's on its hurricane seeding program
- AID's on its worldwide pesticide program

Of those agencies with a history of implementing NEPA in their activities in foreign countries, the one with the greatest experience is AID. At the request of OMB, the Administrator of AID prepared an analysis of its experience (Appendix B) which concluded:

> "[O]ur overall experience is a positive one. We have discovered that developing countries themselves have come increasingly to recognize the inter-related nature of environment and development and to seek to ensure that environmental considerations are adequately addressed in development projects. Further, the practical experience of AID had been that it is possible to undertake detailed

environmental analyses of U.S. supported projects abroad and that the results obtained are useful to us, as well as to host country planners, in making project decisions."

AID's analysis rebutted each of four recited "potential negative impacts hypothetically associated with the conduct of environmental analyses."

1. AID has been able to undertake environmental analyses "without strain" on foreign relations.

2. Achievement of the Agency's mandate has not been impaired by the conduct of environmental analyses.

3. U.S. jobs have not been lost due to environmental analyses.

4. Costs have not been excessive.

WHAT IS PROPOSED?

Earlier, reference was made to the fact CEQ's present proposals recognize and make allowance for unusual and exceptional circumstances involved in federal agencies' activities in foreign countries. CEQ does so by limiting the applicability of the standard EIS procedure only to those major activities abroad whose significant environmental impact affect (1) the United States and its trust territories; (2) the global commons, such as the oceans; (3) Antarctica.

For all other major activities having a significant environmental impact outside the United States, the federal agency may, in consultation with CEQ, provide for abbreviated "Foreign Environment Statements whose preparation can take into account such special factors as:

1. Diplomatic considerations

2. Availability of information

3. Commercial competition

4. Commercial confidentiality

5. Extent of agency role in the proposed activity

U.S. STANDARDS ARE NOT BEING IMPOSED ON FOREIGN COUNTRIES

The preparation of a Foreign Environmental Statement would not impose U.S. environmental standards on any other country. Even if the federal activity abroad is unlawful in the United States, NEPA does not prevent its being undertaken abroad. What a Foreign Environmental Statement would do is make clear that what the governmental agency proposes to do in another country is unlawful in the United States.

CONCLUSION

Our concern over the environmental effects of U.S. government actions abroad are expressed in the last section of our proposed draft. Summarized they are:

1. We want to insure that if a product is banned or strictly regulated in the United States on health grounds the U.S. agency and other officials are at least aware of this before providing the product to a foreign country.

2. We want at minimum full disclosure before an American decisionmaker takes an action which threatens natural resources of global importance.

3. We want to be sure that the American decisionmaker is aware of what he is doing if his actions, however beneficial to one country, cause a significant adverse effect in another country.

If you have any questions, please bring them to our attention. We look forward to receiving your comments.

Charles Warren

CHARLES WARREN
Chairman

EXECUTIVE OFFICE OF THE PRESIDENT
COUNCIL ON ENVIRONMENTAL QUALITY
722 JACKSON PLACE, N. W.
WASHINGTON, D. C. 20006

September 24, 1976

MEMORANDUM TO HEADS OF AGENCIES ON APPLYING THE EIS REQUIREMENT TO ENVIRONMENTAL IMPACTS ABROAD

In recent months the Council has been involved in discussions with several agencies concerning the application of the EIS requirement in NEPA to U.S. actions with significant environmental impacts abroad (the high seas, the atmosphere, and other areas outside the jurisdiction of any nation; and other countries). We have noted different interpretations and practices among several agencies on this issue, and consequently have seen impact statements filed which reflect varying degrees of consideration of the impacts abroad of U.S. actions (whether the actions are taken or the decisions made in the United States or abroad).

In order to encourage a consistent application of NEPA to all major federal actions, the Council is issuing the attached Memorandum on the Application of the EIS Requirement to Environmental Impacts Abroad. In it, we advise that NEPA requires analysis and disclosure in environmental statements of significant impacts of federal actions on the human environment -- in the United States, in other countries, and in areas outside the jurisdiction of any country.

We believe that by taking account of likely impacts abroad before deciding on a proposal for action, federal agencies can obtain the same benefits of NEPA review that accompany the development of projects or actions with domestic impacts. Moreover, we believe such analyses can be accomplished without imposing U.S. environmental standards on other countries, and without interfering with the execution of foreign policy. To the contrary, such analysis and disclosure can provide useful information to cooperating governments. Finally, if agencies undertake these analyses in cooperation with involved foreign governments, U.S. agencies can promote international approaches to environmental protection as recommended in the Stockholm Declaration and elsewhere.

We recommend that agencies which take actions abroad and/or which take actions in the United States with potential significant environmental impacts abroad consult as necessary with the Council or the Council's staff concerning specific procedures, proposals or programs which may be affected.

Russell W. Peterson

Russell W. Peterson
Chairman

EXECUTIVE OFFICE OF THE PRESIDENT
COUNCIL ON ENVIRONMENTAL QUALITY
722 JACKSON PLACE, N. W.
WASHINGTON, D. C. 20006

September 24, 1976

Memorandum on the Application of the
EIS Requirement to Environmental Impacts
Abroad of Major Federal Actions

NEPA requires analysis of significant environmental impacts of proposed major federal actions on the quality of the human environment. The "human environment" is not limited to the United States, but includes other countries and areas outside the jurisdiction of any country (e.g., the high seas, the atmosphere). The Act contains no express or implied geographic limitation of environmental impacts to the United States or to any other area. Indeed, such a limitation would be inconsistent with the plain language of NEPA, its legislative purpose, the Council's Guidelines, and judicial precedents.

In a statute which in other sections refer specifically to the national environment,[1] use of the term human environment in §102(2)(C) reflects an intent to cover environmental impacts beyond U.S. borders. This interpretation is consistent with NEPA's stated purpose, declared in the preamble to the Act, to "encourage productive and enjoyable harmony between man and his environment; to promote efforts which will prevent or eliminate damage to the environment

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1 See, e.g., Sections 101(b),(2), 101(b)(4), 201.

and biosphere and stimulate the health and welfare of man." It is also consistent with Congress' recognition in Section 101 of "the profound impact of man's activity on the interrelations of all components of the natural environment ... and ... the critical importance of restoring and maintaining environmental quality to the overall welfare and development of man." Applying the EIS requirement to impacts abroad also implements the mandate in Section 102 to all agencies to "recognize the worldwide and long range character of environmental problems." In sum, the broad language of Section 102(2)(C) as well as the explicit congressional determination that our national environmental policy must have a global perspective gives Section 102(2)(C) a wide scope.

The legislative history of NEPA supports the inclusion of impacts globally and in other countries within the scope of the EIS requirement. A 1968 "Congressional White Paper on a National Policy for the Environment", summarizing the joint House-Senate colloquium on national environmental policy that led to NEPA's introduction, and inserted into the record by Senator Jackson during debate, stated, "[a]lthough the influence of the U.S. policy will be limited outside its own borders, the global character of ecological relationships must be the guide for domestic activities."[2] Both the House and the Senate reports on NEPA, reflecting the testimony

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2 115 Cong. Rec. 29082 (Oct. 8, 1969).

of numerous witnesses at the hearings, recognized the statute's global perspective.[3] Statements to the same effect were made during the floor debates, including an explanation by Senator Jackson of NEPA's statement of environmental policy:

> "What is involved [in NEPA] is a congressional declaration that we do not intend, as a government or as a people, to initiate actions which endanger the continued existence or the health of mankind: That we will not intentionally initiate action which will do irreparable damage to the air, land and water which support life on earth."[4]

The House Merchant Marine and Fisheries Committee during oversight hearings specifically rejected the argument that NEPA should not be applied to actions occurring within the jurisdiction of another nation:

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3 See, e.g., Sen. Rep. No. 91-296, 91st Cong., 1st Sess., at 17, 43-45 (1969); H.R. Rep. No. 91-378, 91st Cong., 1st Sess., at 5, 7 (1969).

4 115 Cong. Rec. 19009 (July 10, 1969); see also 115 Cong. Rec. 14347 (May 29, 1969); 115 Cong. Rec. 26575-16476 (Sept. 23, 1969); 115 Cong. Rec. 29056 (Oct. 8, 1969).

> "Stated most charitably, the committee disagrees with this interpretation of NEPA. The history of the act makes it quite clear that the global effects of environmental decisions are inevitably a part of the decisionmaking process and must be considered in that context."[5]

The Council has consistently applied NEPA to U.S. international activities and has urged federal agencies to recognize the Act's global perspective. In its first Annual Report, for example, the Council pointed out that NEPA "directed all agencies of the Federal Government to recognize the worldwide and long-range character of environmental problems."[6] In 1971 the Council's Legal Advisory Committee specifically urged federal agencies to apply NEPA to their actions in foreign countries.[7] The Council's 1973 Guidelines require the assessment of "both the national and international environment."[8] The Fifth Annual Report reviewed agencies' experience in applying the EIS process to U.S. actions abroad.[9] In 1976 the Council reported on one of the benefits of this experience--the growth of environmental impact assessment procedures in other countries.[10]

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5 H.R. Rep. 92-316, 92nd Cong., 1st Sess., at 32-33 (1971).
6 CEQ, Environmental Quality - 1970, at 200 (1970).
7 Legal Advisory Commitee Report to the President's Council on Environmental Quality, at 13-17 (December 1971).
8 40 C.F.R. Section 1500,8(a)(3)(i)(1975).
9 CEQ, Environmental Quality - 1974, at 399-400 (1974).
10 CEQ, Environmental Quality - 1975, at 653-54 (1976).

Accordingly, some federal agencies have provided in their NEPA procedures for the preparation of environmental statements when agency actions cause significant environmental impacts beyond U.S. borders,[11] and impact statements have been prepared on U.S. actions in foreign countries.[12] Moreover, the courts[13] and virtually every legal commentary

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11 See, e.g., 38 Fed. Reg. 34135-46 (1973) (Coast Guard); 37 Fed Reg. 19167-68 (1972) (Dept. of State); 41 Fed. Reg. 26913-26919 (1976) (Agency for International Development).

12 See, e.g., Dept. of Transportation, Draft EIS, Darien Gap Highway (March 1976); Dept. of the Interior, Final EIS, Alaska Natural Gas Transportation System (March 1975).

13 In Wilderness Society v. Morton, 463 G. 2d 1261 (D.C. Cir. 1972), the court granted standing to Canadian intervenors concerned with the trans-Alaska Pipeline, holding that the intervenors' interest in the significant impacts of the pipeline in Canada were within the zone protected by Section 102(2)(c). In Sierra Club v. Coleman, 405 F. Supp. 53 (D.D.C. 1975), the court held, inter alia, that DOT's impact assessment on portions of the Pan-American Highway was deficient because it failed to address the environmental impacts of alternative highway corridors through Panama and Columbia. Since the significant impacts of corridor alternatives lay exlusively in Panama and Columbia, the case necessarily holds that impacts in foreign national terriroty are within the scope of Section 102(2)(C).

Of course, significant indirect as well as direct impacts must be considered. 40 C.F.R. Section 1500.8(a)(3)(ii) (1975); City of Davis v. Coleman, 521 F.2d 661, (9th Cir., 1975); see CEQ, Environmental Quality-1974, at 410-11 (1974).

addressing the subject[14] have supported the Council's belief that an environmental statement is required whenever U.S. actions would have significant environmental impacts on the U.S., on global resources, or on foreign countries.

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14 See, e.g., Committee on Environmental Law of the Section on International and Comparative Law of the American Bar Association, Opinion on the International Scope of NEPA (July 1971); Strausberg, the National Environmental Policy Act and the Agency for International Development, 7 Int'l. Law. 46 (1972); Robinson, Extraterritorial Environmental Protection Obligations of Foreign Affairs Agencies: The Unfulfilled Mandate of NEPA, 7 Int'l. Law. Pol. 257 (1974) Note, the Extraterritorial Scope of NEPA's Environmental Impact Statement Requirement, 74 Mich. L. Rev. 349 (1975); Appelbaum, Controlling the Hazards of International Development, 5 Ecol. L.Q. 321 (1976).

The policies underlying NEPA reinforce the interpretation suggested by its language and legislative history, judicial precedents and administrative practice. Analysis and disclosure in an EIS of significant environmental effects provide U.S. decisionmakers a fuller picture of the foreseeable environmental consequences of their decisions. Impact statements do not dictate actions on foreign soil or impose U.S. requirements on foreign countries; instead, they guide U.S. decisionmakers in determining U.S. policies and actions.

In addition, EISs provide information to cooperating governments which they then could use in making decisions about projects within, or which may affect, their countries. Far from being an imposition, this information can enhance the value of U.S. assistance or participation. This full disclosure by the United States contributes to the integrity of cooperating governments' policy making, and thus lends support to international environmental cooperation as directed in §102(2)(F),[15] the Stockholm Declaration, and other international agreements.[16]

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15 See H.R. Rep. 92-316, 92nd Cong., 1st Sess., at 33 (1971).

16 See, e.g., Convention Concerning the Protection of the World Cultural and Natural Heritage, November 23, 1972; Convention on Nature Protection and Wildlife Preservation in the Western Hemisphere, October 12, 1940.

To the extent national security or essential foreign policy considerations make controlled circulation of environmental statements necessary, NEPA provides sufficient procedural flexibility to accomplish this. Section 102(2)(C) provides exceptions to public circulation of documents by incorporating the Freedom of Information Act and its exemptions by reference. Environmental statements or portions of them have been classified, for example, when necessary to protect national security.[17] Presumably, if public examination of a proposed U.S. action in another country would jeopardize U.S. foreign policy in a given instance, circulation of the environmental statement could be restricted in accordance with these statutory procedures.[18] In general, however, Congress has mandated that environmental statements are public documents.

In summary, the Council believes that the impact statement requirement in §102(2)(C) of NEPA applies to all significant effects of proposed federal actions on the quality of the human environment -- in the United States, in other countries, and in areas outside the jurisdiction of any country. Accordingly, agency officials responsible for

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17 See, e.g., U.S. Navy, Final EIS, Transit Satellite (June 1972).

18 Thus, NEPA incorporates a procedure for ensuring that the execution of U.S. foreign policy and U.S. environmental policy are consistent. Of course, no agency has the authority otherwise to deviate from NEPA's requirements, on foreign policy or other grounds. Calvert Cliffs' Coordinating C . AEC, 449 F.2d 1109 (D.C. Cir. 1971).

analyzing the potential environmental effects of proposed actions should fully assess the potential impacts outside the United States, as well as those within it; if any of these potential impacts are likely to be significant, an impact statement should be prepared.

APPENDIX B

DEPARTMENT OF STATE

AGENCY FOR INTERNATIONAL DEVELOPMENT
WASHINGTON

THE ADMINISTRATOR

December 9, 1977

Honorable Charles Warren
Chairman, Council on Environmental Quality
722 Jackson Place, N.W.
Washington, D.C. 20006

Dear Mr. Chairman:

In a memorandum dated October 21, 1977 to heads of agencies with foreign affairs responsibilities, the Acting Director of the Office of Management and Budget noted that several agencies had "expressed reservations about the preparation of Environmental Impact Statements for programs conducted abroad," and suggested that comments on this subject should be sent to you to assist the Council in its current review of its environment guidelines. Because A.I.D. is one of the few foreign affairs agencies with direct, practical experience in preparing detailed analyses of projects conducted abroad, I am hopeful that our comments can be most useful to you in conducting your review.

A.I.D.'s environmental regulations, prepared in cooperation with the Council, have now been in effect for almost 18 months. Under these regulations, A.I.D. activities have been subjected to a written environmental examination which forms a basis for a threshhold determination of significance. In more than 30 cases, decisions have been made to undertake more detailed environmental assessments. These assessments have covered or will cover a wide range of projects, including malaria control, rural development, construction of farm-to-market roads, and upgrading of housing conditions, in countries with widely varying political systems and environmental sensitivities. Additionally, while our experience with preparation of Environmental Impact Statements in conformance with CEQ guidelines is limited, we have recently completed a programmatic impact statement on our pest management programs, and we are about to commence preparation of an Environmental Impact Statement concerning the development of the master sewerage plan for the city of Alexandria, Egypt, which will assess the implications of this project for the entire Eastern Mediterranean region.

Like most Federal agencies, A.I.D. has not undertaken environmental responsibilities without encountering administrative difficulties. We are now engaged in the process of reevaluating our existing regulations in order to propose modifications, where appropriate, which will ensure that environmental analysis is effectively and meaningfully integrated into program planning.

Honorable Charles Warren

Yet, our overall experience is a positive one. We have discovered that developing countries themselves have come increasingly to recognize the inter-related nature of environment and development and to seek to ensure that environmental considerations are adequately addressed in development projects. Further, the practical experience of A.I.D. has been that it is possible to undertake detailed environmental analyses of U.S.-supported projects abroad and that the results obtained are useful to us, as well as to host country planners, in making project decisions.

A.I.D.'s experience, moreover, has demonstrated that, in practice, none of the four potential negative impacts hypothetically associated with the conduct of environmental analyses, as outlined in the Acting Director's memorandum of October 21, constitutes a significant problem for agency operations:

(1) Many of A.I.D.'s projects involve delicate negotiations with foreign governments and/or private organizations in foreign countries. A.I.D.'s environmental regulations contain special procedures which seek to accommodate the exigencies of foreign policy which may arise in the course of development. Yet, we have not found it necessary to date to utilize all the available procedures contained in our regulations, and, almost without exception, we have been able to undertake environmental analyses without strain on the relations between the United States and foreign countries. In fact, we have found that environmental analysis is no more intrusive, or potentially upsetting, than other reviews, e.g., those for social soundness or women in development, that are routinely undertaken by the Agency.

(2) Achievement of the Agency's mandate has not been impaired by the conduct of environmental analyses. This Agency's experience fully supports the President's conviction, expressed in his environmental message of May 23, that "development programs that are environmentally sound will yield the most economic benefits." Further, Congress, in enacting Section 113 of the International Development and Food Assistance Act of 1977, confirmed the important place which protection of the environment and natural resources must hold in the constellation of development priorities.

(3) The fear of loss of U.S. jobs is, I presume, based upon the assumption that, if agencies must conduct environmental analyses, it will be more difficult to consummate proposed export transactions. Quite simply, there has been no problem in this regard for A.I.D. No project has fallen through because of required environmental analyses, and, as far as we can discern, compliance with our environmental regulations may have had only minimal impact on U.S. jobs in the chemical industry as a result of the discontinuance of our financing selected pesticides.

Honorable Charles Warren

(4) A.I.D.'s compliance with its environmental regulations has resulted in an increase in program operating costs in terms of both staff allocations and contractual services. Such an increase is, of course, inevitable in connection with any new endeavor undertaken by an agency. Expenditures for environmental evaluation are highly variable depending on the type of analysis needed, the size of the project, and the personnel conducting the assessment, but the following will serve as indicators of cost incurred: In FY 77, A.I.D. expenditures for four formal assessments within the Asia bureau, prepared by individuals under a technical services contract, averaged $22,500 each. The Office of Housing uses $30,000 as an appropriate estimate for each Housing Guaranty Loan--this cost being based upon consultative services to prepare either comprehensive Initial Environmental Examinations or subsequent Environmental Assessments. Costs within the Africa bureau have ranged from $55,000 for a contract to prepare an assessment for a rural development project to $90,000 for a major irrigation project. The cost to complete the Environmental Impact Statement on the Agency's pest management activities was $276,000. This, however, was not a project-related assessment, but rather an assessment of a program covering the entire Agency. An assessment for an expanded research project into the eradication of the Tsetse Fly required $92,500. The Assessment was prepared by an assemblage of individual experts on the subject of fly eradication and range management.

In summary, A.I.D. has no significant reservations about the preparation of environmental analyses for programs conducted abroad. We look forward to working further with the Council in the future in seeking ways to improve our Agency's procedures and to ensure that development is environmentally sound.

Sincerely yours,

John J. Gilligan

A LOOK BEFORE WE LEAP:

APPLYING NEPA TO U.S. ACTIONS ABROAD

REMARKS BY

CHARLES WARREN, CHAIRMAN
COUNCIL ON ENVIRONMENTAL QUALITY

THIRD ANNUAL CONFERENCE
NATIONAL ASSOCIATION OF ENVIRONMENTAL PROFESSIONALS

ARLINGTON, VIRGINIA
FEBRUARY 8, 1978

When your President, Charles Zirzow, invited me some time ago to speak to you, I thought this would be an excellent forum for me to discuss CEQ's new regulations on the National Environmental Policy Act. In large part, those regulations -- and the key word there is "regulations", not "guidelines" -- involve the preparation of environmental impact statements.

However, two considerations have intervened to change my mind. The first was my review of your program for this meeting. The speakers listed and the topics to be covered indicate to me that the National Association of Environmental Professionals has matured rapidly in the three years since its founding. My impression, whether accurate or not, was that at its founding, the NAEP was an organization for and of EIS-writers. Though the daily work of many of you continues to involve the preparation of environmental impact statements, your program makes it clear that you are increasingly involved in broader issues of environmental policy and scientific inquiry. As examples I can mention papers to be presented to you on "Risk Assessment in Basic Research," and "Synergistic Effects of Pollutants as Carcinogens," and "World Carbon Dioxide Problems."

NONE OF THIS IS TO MINIMIZE THE IMPORTANCE OF ENVIRONMENTAL IMPACT STATEMENTS AND THEIR CAREFUL PREPARATION. WHATEVER THE WIDER ECOLOGICAL CONCERNS OF CITIZENS, SCIENTISTS AND POLITICIANS TODAY, THE EIS REMAINS OUR BASIC TOOL FOR TRANSLATING THOSE CONCERNS INTO PRACTICAL ACTIONS. BUT YOUR PROGRAM DOES SUGGEST THAT BOTH CEQ AND THE NAEP HAVE UNDERGONE A PARALLEL EVOLUTION TO ARRIVE AT THE SAME PERSPECTIVE; THAT IS, THE PURPOSE OF NEPA AND ITS EIS REQUIREMENT IS NOT TO PRODUCE BETTER PIECES OF PAPER, BUT WISER FEDERAL ACTIONS.

THE SECOND CONSIDERATION THAT ALTERED MY CHOICE OF TOPIC TODAY WAS A MEETING THAT CEQ HELD ON JANUARY 6. OUR GUESTS WERE 81 OFFICIALS FROM 30 FEDERAL AGENCIES INCLUDING, AMONG OTHERS, THE ARMY, THE NAVY, THE AIR FORCE, THE DEPARTMENTS OF AGRICULTURE, COMMERCE, INTERIOR, JUSTICE, AND STATE, THE NUCLEAR REGULATORY COMMISSION, THE FEDERAL HIGHWAY ADMINISTRATION, THE EXPORT-IMPORT BANK. . .EVEN THE CIA SHOWED UP. OUR PURPOSE IN INVITING THESE PEOPLE WAS TO DISCUSS A DRAFT SET OF PROPOSALS REQUIRING THEM TO COMPLY WITH NEPA IN THEIR ACTIONS OVERSEAS.

WELL, THERE WAS VERY LITTLE DISCUSSION, BUT PLENTY OF REACTION. OUR DRAFT REGULATIONS WERE CRITICIZED ON SEVERAL GROUNDS: THAT THERE IS NO LEGAL JUSTIFICATION FOR EXTENDING

NEPA TO U.S. ACTIONS ABROAD; THAT NEPA-CAUSED DELAYS WOULD HOLD UP U.S. EXPORTS AND SEND FOREIGN BUYERS ELSEWHERE; AND THAT OUR REGULATIONS WOULD IMPOSE U.S. ENVIRONMENTAL STANDARDS ON OTHER, SOVEREIGN NATIONS. COLUMNISTS EVANS AND NOVAK DECIDED THAT THE PROPOSED REGULATIONS WOULD MAKE "UNCLE SAM THE ENVIRONMENTAL POLICEMAN OF THE WORLD." THE ARIZONA REPUBLIC DENOUNCED CEQ FOR ITS ARROGANT "HUNGER FOR POWER".

THESE CRITICISMS, IF TRUE, ARE IMPORTANT. THEY ARE PRACTICAL ONES. PERHAPS MOST TO THE CREDIT OF OUR GOVERNMENTAL COLLEAGUES, THE QUESTIONS THEY ASK ARE THOSE THAT PRIVATE CITIZENS -- FROM BOARD ROOMS TO PRODUCTION LINES -- WOULD ASK: DOES ANY AGENCY OF THE U.S. GOVERNMENT HAVE THE RIGHT TO TELL OTHER COUNTRIES WHAT ENVIRONMENTAL STANDARDS TO IMPOSE? WOULD THE CEQ REGULATIONS COST SALES AND JOBS? DO THESE PROPOSALS HAVE ANY JUSTIFICATION IN LAW . . . OR ARE THEY, INDEED, AN ARROGANT AND UNFOUNDED REACH FOR POWER?

ULTIMATELY, BEYOND ALL THESE ISSUES IS AN EVEN MORE IMPORTANT ONE FOR THE GREAT MAJORITY OF OUR CITIZENS: DO THE CEQ PROPOSALS MAKE ANY SENSE? IF THE LAW IS FOOLISH, OR IF WE ARE READING MORE INTO IT THAN CONGRESS INTENDED, MOST AMERICANS WOULD AGREE THAT THE LAW OUGHT TO BE CHANGED.

I WOULD LIKE TO DISCUSS THESE QUESTIONS WITH YOU TODAY. TO SOME DEGREE, THE ANSWERS INVOLVE \ \ INTERESTS.

BEYOND YOUR PROFESSIONAL STAKE IN THE MATTER, HOWEVER, I BELIEVE SUCH AN INTERNATIONAL APPLICATION OF NEPA NOT ONLY IS REQUIRED BY LAW, BUT IS ALSO PRACTICALLY AND POLITICALLY IN THE BEST INTERESTS OF THE UNITED STATES.

FIRST, LET'S LOOK AT WHAT CONGRESS SAID WHEN IT WROTE THE NATIONAL ENVIRONMENTAL POLICY ACT. IN NEPA, CONGRESS SPEAKS OF "NATIONAL POLICY" AND "NATIONAL HERITAGE", BUT ITS REFERENCES TO THE ENVIRONMENT DO NOT IMPLY ANY GEOGRAPHICAL LIMITATION. INSTEAD WE FIND REFERENCES TO "MAN AND HIS ENVIRONMENT"; THE "HUMAN ENVIRONMENT"; THE "NATURAL ENVIRONMENT"; THE IMPORTANCE OF . . . MAINTAINING ENVIRONMENTAL QUALITY TO THE OVERALL WELFARE AND DEVELOPMENT OF MAN"; AND THE GLOBAL TERM "BIOSPHERE". IN ONE SECTION OF THE ACT, CONGRESS DIRECTS ALL FEDERAL AGENCIES TO RECOGNIZE "THE WORLDWIDE AND LONG-RANGE CHARACTER OF ENVIRONMENTAL PROBLEMS. . .". NOWHERE DOES THE ACT SPECIFY OR SUGGEST THAT IT IS ONLY THE U.S. ENVIRONMENT WHOSE QUALITY IS TO BE GUARDED BY U.S. AGENCIES.

THIS LEGISLATIVE LANGUAGE IS, I CONCEDE, INDICATIVE RATHER THAN DEFINITIVE. AS IN SIMILAR PROBLEMS OF INTERPRETATION, THE LEGISLATIVE HISTORY MAY HELP DETERMINE WHETHER THE LAW WAS WRITTEN TO BE AS ALL EMBRACING AS IT APPEARS.

THE LEGISLATIVE HISTORY INDICATES THAT CONGRESS INDEED, ADDRESSED THE QUESTION OF NEPA'S APPLICATION BEYOND OUR

BORDERS. ON OCTOBER 8, 1969, DURING FLOOR DEBATE ON NEPA, SENATOR HENRY JACKSON INSERTED INTO THE CONGRESSIONAL RECORD THIS SUMMARY OF AN EARLIER HOUSE-SENATE COLLOQUIUM ON NATIONAL ENVIRONMENTAL POLICY: "(A)LTHOUGH THE INFLUENCE OF THE U.S. POLICY WILL BE LIMITED OUTSIDE ITS OWN BORDERS, THE GLOBAL CHARACTER OF ECOLOGICAL RELATIONSHIPS MUST BE THE GUIDE FOR DOMESTIC ACTIVITIES."

MORE EXPLICITLY, DURING OVERSIGHT HEARINGS HELD IN 1971 -- THE YEAR AFTER NEPA WAS PASSED -- THE HOUSE MERCHANT MARINE AND FISHERIES COMMITTEE SPECIFICALLY REJECTED THE ARGUMENT THAT NEPA SHOULD NOT BE APPLIED TO U.S. ACTIONS WITHIN THE JURISDICTION OF ANOTHER NATION. ITS STATEMENT READS AS FOLLOWS:

> "STATED MOST CHARITABLY, THE COMMITTEE DISAGREES WITH THIS INTERPRETATION OF NEPA. THE HISTORY OF THE ACT MAKES IT QUITE CLEAR THAT THE GLOBAL EFFECTS OF ENVIRONMENTAL DECISIONS ARE INEVITABLY A PART OF THE DECISION-MAKING PROCESS, AND MUST BE CONSIDERED IN THAT CONTEXT."

THUS, THE LEGISLATIVE HISTORY OF NEPA SUPPORTS THE VIEW THAT CONGRESS DID INTEND THE ACT TO APPLY TO U.S. GOVERNMENT ACTIONS BEYOND OUR BORADERS.

MORE IMPORTANTLY, THE COURTS -- THE ULTIMATE ARBITER OF WHAT THE LAW SAYS AND MEANS -- HAVE ADDRESSED THE

INTERNATIONAL APPLICATION OF NEPA ON SEVERAL OCCASIONS:

* IN WILDERNESS SOCIETY V. MORTON[1], THE D.C. COURT OF APPEALS RULED THAT CANADIAN ENVIRONMENTALISTS HAD A SUBSTANTIAL INTEREST IN THE CHOICE OF ROUTE FOR THE TRANS ALASKA OIL PIPELINE, AND THAT THIS INTEREST WAS PROTECTED BY NEPA.

* IN SIERRA CLUB V. ATOMIC ENERGY COMMISSION[2], THE AEC AND THE EXPORT-IMPORT BANK WERE SUED TO FORCE THEIR COMPLIANCE WITH NEPA ON NUCLEAR EXPORTS. IN THIS CASE, THE COURT ASSUMED THAT GOVERNMENT ACTIONS ABROAD WERE COVERED BY THE ACT.

* IN ENVIRONMENTAL DEFENSE FUND V. AGENCY FOR INTERNATIONAL DEVELOPMENT[3], AID AGREED TO PREPARE AN ENVIRONMENTAL IMPACT STATEMENT ON ITS PEST MANAGEMENT PROGRAM. THE COURT-APPROVED SETTLEMENT SPECIFICALLY REQUIRED THAT THE EIS COVER IMPACTS WITHIN INDIVIDUAL FOREIGN COUNTRIES.

FINALLY, SOME AGENCIES HAVE ALREADY APPLIED NEPA TO SOME OF THEIR ACTIONS ABROAD. EXAMPLES INCLUDE THE STATE DEPARTMENT, WITH ITS RECENT EIS ON THE PANAMA CANAL TREATIES; THE INTERIOR DEPARTMENT AND THE FEDERAL POWER COMMISSION, WITH EISS ON THE TRANS ALASKA NATURAL GAS PIPELINE THROUGH CANADA; THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION,

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1. 463 F.2D 1261 (D.C. CIR. 1972)
2. 4 ELR 20885 (D.D.C. 1974)
3. 6 ELR 20121 (D.D.C. 1975)

WITH AN EIS ON ITS HURRICANE-SEEDING PROGRAM; AND AID, ON ITS WORLDWIDE PESTICIDE PROGRAM.

LAST OCTOBER, THE OFFICE OF MANAGEMENT AND BUDGET ASKED SEVERAL FEDERAL AGENCIES WITH FOREIGN AFFAIRS RESPONSIBILITIES ABOUT THEIR EXPERIENCE WITH NEPA ON PROJECTS ABROAD. JOHN J. GILLIGAN, ADMINISTRATOR OF AID, REPLIED IN THIS WAY:

> "(O)UR OVERALL EXPERIENCE IS A POSITIVE ONE. WE HAVE DISCOVERED THAT <u>DEVELOPING COUNTRIES THEMSELVES</u> HAVE COME INCREASINGLY TO RECOGNIZE THE INTER-RELATED NATURE OF ENVIRONMENT AND DEVELOPMENT, AND TO SEEK TO ENSURE THAT <u>ENVIRONMENTAL CONSIDERATIONS ARE ADEQUATELY ADDRESSED</u> IN DEVELOPMENT PROJECTS." (EMPHASIS ADDED)

AID, GILLIGAN CONTINUED, HAS BEEN ABLE "TO UNDERTAKE ENVIRONMENTAL ANALYSES WITHOUT STRAIN" ON FOREIGN RELATIONS. PERTINENT TO THE COMPLAINT THAT NEPA WOULD DELAY IMPORTS AND COST US SALES, GILLIGAN WROTE: NO PROJECT HAS FALLEN THROUGH BECAUSE OF ENVIRONMENTAL ANALYSES. . . ."

AT THIS POINT, LET ME SUMMARIZE MY ARGUMENT SO FAR. THE LANGUAGE OF NEPA STRONGLY IMPLIES A CONGRESSIONAL CONCERN WITH THE ENVIRONMENTAL IMPACT OF U.S. PROJECTS ABROAD; THE LEGISLATIVE HISTORY OF NEPA IS EXPLICIT ON THIS POINT; THE COURTS HAVE RULED, IN SPECIFIC CASES, THAT

NEPA GOVERNS THE ACTIONS OF U.S. AGENCIES ABROAD; AND SEVERAL AGENCIES HAVE IMPLICITLY RECOGNIZED THAT GOVERNANCE BY VOLUNTARILY FILING EISs.

I BELIEVE, IN SUM, THAT CEQ'S POSITION ON THE INTERNATIONAL REACH OF NEPA IS SOLIDLY BASED IN U.S. LAW. NOW LET ME ADDRESS PERHAPS THE MOST IMPORTANT QUESTION: WOULD NOT THE APPLICATION OF NEPA TO U.S. PROJECTS ABROAD VIOLATE FOREIGN SOVEREIGNTY?

IN DISCUSSING THIS QUESTION, IT IS CRUCIAL TO REALIZE THAT NEPA IMPOSES NO ENVIRONMENTAL STANDARDS ON ANYBODY, NOT EVEN ON U.S. AGENCIES. OTHER LAWS, SUCH AS THE CLEAN AIR ACT, DO THAT. NEPA, BY CONTRAST, CREATES A PROCESS. PARED TO ESSENTIALS, IT IS A "FULL DISCLOSURE" LAW WITH TWO PARTS: ONE, IT REQUIRES EACH FEDERAL AGENCY TO ANALYZE THE ENVIRONMENTAL IMPACTS OF ITS PROPOSED ACTIONS; TWO, IT REQUIRES THE AGENCY TO PUBLISH ITS ANALYSIS, SO THAT OTHER GOVERNMENT AGENCIES CAN INSPECT THAT ANALYSIS FOR ACCURACY AND THOROUGHNESS.

IN THE INTERNATIONAL CONTEXT, NEPA WOULD GIVE FOREIGN GOVERNMENTS THE SAME ACCESS TO ANALYTICAL DATA ON A PROPOSED U.S. ACTION. THE FOREIGN GOVERNMENT WOULD MAKE ITS OWN DECISION ON THE PROJECT, REGARDLESS OF U.S. ENVIRONMENTAL STANDARDS. CEQ'S PROPOSED DRAFT REGULATIONS REQUIRE AN AGENCY TO POINT OUT ANY ACTIVITIES THAT ARE "UNLAWFUL OR

STRICTLY REGULATED" IN THE U.S.; HOWEVER, SHOULD ANOTHER NATION CHOOSE TO PROCEED WITH SUCH AN ACTIVITY -- ILLEGAL BY U.S. STANDARDS -- IT WOULD BE PERFECTLY FREE TO DO SO.

IN ADDITION, CEQ'S PROPOSALS RECOGNIZE "SPECIAL FACTORS" THAT MAY LIMIT THE SCOPE OF A FOREIGN ENVIRONMENTAL STATEMENT, THE LENGTH OF TIME FOR PUBLIC REVIEW OF IT, OR EVEN WHETHER IT IS MADE PUBLIC AT ALL. THE REGULATIONS SPECIFICALLY PROVIDE MODIFICATIONS OF THE NEPA PROCESS TO ACCOMMODATE "DIPLOMATIC CONSIDERATIONS OR THE RELATIVE UNAVAILABILITY OF INFORMATION . . . INTERNATIONAL COMPETITION AND CONFIDENTIALITY."

GIVEN THESE "SPECIAL FACTORS" THAT LIMIT THE APPLICABILITY OF OUR PROPOSED RULES, IS IT WORTH APPLYING NEPA TO FOREIGN ACTIONS AT ALL?

THE ANSWER LIES NOT IN OUR REGULATIONS NOR IN U.S. LAW, BUT IN THE COMMON EXPERIENCE OF MANKIND AS WE HAVE TRIED TO SHAPE NATURAL SYSTEMS TO HUMAN CONVENIENCE. HEAVEN KNOWS WE HAVE SUCCEEDED. THE CITIZENS OF THE ADVANCED NATIONS LEAD BETTER, HEALTHIER, LONGER LIVES THAN ANY OTHER HUMANS SINCE THE GARDEN OF EDEN CLOSED; IT IS TO OUR CREDIT THAT WE ARE ATTEMPTING TO EXTEND THE FRUITS OF OUR DEVELOPMENT TO OTHER NATIONS LESS FORTUNATE IN NATURAL AND HUMAN RESOURCES.

BUT WITHIN OUR BORDERS AND BEYOND THE, WE HAVE SEEN, AGAIN AND AGAIN, THE DIRECT AND INDIRECT ENVIRONMENTAL IMPACTS

OF WELL-TENDED PROJECTS CREATE HAVOC WITH A NATION'S FOOD SUPPLIES AND ITS PEOPLE'S HEALTH.

* IN THE RYUKYU ISLANDS FOLLOWING WORLD WAR II, A U.S. ATTEMPT TO IMPROVE SANITARY AND DIETARY STANDARDS IN THE SCHOOLS LED, INDIRECTLY, TO THE SPREAD OF TRACHOMA, AN EYE DISEASE, AMONG CHILDREN. IN UNTREATED CASES, THIS DISEASE CAN CAUSE BLINDNESS. ALSO IN THE RYUKYUS, THE U.S. INTRODUCTION OF PIPED WATER LED TO AN EXTENSIVE OUTBREAK OF DYSENTERY.

* IN INDONESIA, THE FARMERS USED AN IMPORTED PESTICIDE -- A CHLORINATED HYRDOCARBON SIMILAR TO DDT -- TO CONTROL A DESTRUCTIVE INSECT KNOWN AS THE RICE BORER. THE HIGHLY TOXIC PESTICIDE ALSO KILLED FISH IN THE RICE PADDIES. NOT ONLY HAD THE FISH PROVIDED THE FARMERS WITH A CASH CROP, FERTILIZED THE RICE, AND HELPED CONTROL MANY CATERPILLARS OF INSECT PESTS, BUT THEY HAD ALSO GIVEN THE FARMERS A VITAL SOURCE OF PROTEIN.

* IN BRAZIL'S SAO FRANCISCO VALLEY, A HYDROELECTRIC PROJECT WAS BUILT WITH FINANCIAL AID FROM TWO INTERNATIONAL AGENCIES, TWO U.S. AGENCIES, AND PRIVATE BANKS IN CANADA, FRANCE, AND THE U.S. UNANTICIPATED ENVIRONMENTAL IMPACTS FROM THIS PROJECT FORCED THE EXPENDITURE OF MORE THAN $150 MILLIONS TO RESETTLE FARMERS AND CONTROL FLOODS.

* In Egypt -- perhaps the best known case of development gone wrong -- the Aswan High Dam financed by the Soviet Union has sharply increased the incidence of a blood disease caused by a water-borne parasite. The last estimate I saw was that infection had jumped from 5 percent of farmers living along the Upper Nile to 65 percent. The disease, which is difficult and expensive to cure, is usually debilitating and sometimes fatal.

The moral is not that developing areas should be left without running water, that pesticides should be prohibited, or that dams should not be built. The moral, rather, is that the transfer of modern technologies into underdeveloped lands can trigger social and natural mechanisms that lead to trouble. Before advanced nations undertake such transfers, therefore, they should try to anticipate the unwanted, potentially damaging side effects of their actions.

Because of the relatively embryonic state of our ecological science, not even the advanced nations can always predict such side effects. But our knowledge, our experience, and our resources vastly exceed those of under-developed nations -- and through NEPA the United States can provide access to the considerable ecological expertise it does possess.

Let me discuss a current project that has recently been questioned by Congressman Long of Maryland. I think it will buttress my argument that the international application of NEPA is in the best interest of our country as well as that of foreign nations.

On January, 1971, the government of the Philippine Islands expressed interest in purchasing a nuclear power plant. The U.S. State Department instructed our embassy in Manila to "give all possible encouragement" to the purchase.

In January, 1976, the U.S. Export-Import Bank authorized a loan of $277 million plus loan guarantees of $367 million to permit the Philippines to buy a power reactor . . . the first to be located there. Under the terms of CEQ's proposed regulations, the Ex-Im authorization would be a "significant federal action" with a possible impact on the environment. In addition, under the requirements of the Atomic Energy Act, an export license for the reactor would have to be granted by the Nuclear Regulatory Commission . . . a related "significant federal action". These and other agencies involved in the project would be required, under our draft rules, to file a joint foreign environmental statement prior to granting the loan and export license.

No such statement has been filed. If such a statement, adequate by U.S. standards, HAD been filed, it would have revealed the following information:

* The Philippine Islands are located in an earthquake belt -- one of two such belts in the world.

* The Philippines are also in a volcanic belt, and have no stable salt formations; hence they cannot dispose of their own radioactive wastes, and must ship them to the United States or to some other, international burial sit.

* The proposed site of the reactor on Luzon is about 14 miles from Mount Natib -- a vocano which, based on information supplied by a U.S. consultant to the Philippine National Power Corporation, would likely be considered "active" under current NRC criteria.

* In a review of alternate energy sources, the Philippine Energy Development Board computed the cost of hydropower at $1,000 per kilowatt, of geothermal at $900 per kilowatt, and coal at $800 per kilowatt, it estimates the cost of nuclear at $1,500 per kilowatt.

The Government of the Philippines has by no means been apathetic about this information. President Ferdinand Marcos has displayed a lively concern about environmental matters. In July, 1976, he established a Presidential

COUNCIL FOR THE MANAGEMENT OF FOREST ECOSYSTEMS AND, LAST YEAR, AN ENVIRONMENTAL PROTECTION COUNCIL. IN AUGUST, 1976, FOLLOWING AN EARTHQUAKE ON MINDANAO, HE ASKED THE MANUFACTURER OF THE REACTOR, FOR WRITTEN ASSURANCE THAT THE PLANT WOULD BE EARTHQUAKE-PROOF.

OTHER PHILIPPINE OFFICIALS HAVE EXPRESSED CONCERN. BECAUSE HIS AGENCY LACKED THE TECHNICAL EXPERTISE AND BREADTH OF EXPERIENCE TO EVALUATE THE REACTOR SITE, THE CHAIRMAN OF THE PHILIPPINE ATOMIC ENERGY COMMISSION ASKED THE U.S. NUCLEAR REGULATORY COMMISSION FOR HELP. THE NRC DID ITS BEST WITH THE INFORMATION SUPPLIED IT -- BUT WHEN ASKED TO CONTRIBUTE AN EXPERT FOR A TWO WEEK SAFETY REVIEW OF THE PROJECT, AN NRC OFFICIAL POINTED OUT THAT REVIEW OF A NUCLEAR LICENSE APPLICATION IN THE U.S. REQUIRES THE EQUIVALENT OF SIX MAN-YEARS OF EFFORT.

IT SEEMS TO ME THAT THE FACTS IN THIS CASE SPEAK FOR THEMSELVES; I WILL NOT COMMENT ON THEM. I WISH RATHER, TO EMPHASIZE TWO MATTERS:

FIRST, HAD A FOREIGN ENVIRONMENTAL STATEMENT BEEN PREPARED ON THIS EXPORT PROPOSAL, NONE OF THE INFORMATION DEVELOPED WOULD PREVENT THE GOVERNMENT OF THE PHILIPPINES FROM BUYING THE REACTOR. IT COULD IGNORE THE FACTS AND ENVIRONMENTAL IMPACTS, AND GO AHEAD WITH THE PURCHASE.

SECOND, MANY DEVELOPING NATIONS DO NOT HAVE EXPERTS QUALIFIED TO DEVELOP SUCH INFORMATION CONCERNING COMPLEX AND SOPHISTICATED TECHNOLOGY. IN THE ABSENCE OF RULES THAT REQUIRE U.S. AGENCIES TO PROVIDE ENVIRONMENTAL INFORMATION, SUCH GOVERNMENTS ARE FORCED TO REQUEST HELP FROM OUR EXPERTS -- OR TO RELY ON THAT SUPPLIED BY CONSULTANTS WHO MAY HAVE A STAKE IN MAKING A SALE.

HEALTH AND SAFETY ISSUES AND ENVIRONMENTAL IMPACTS SHOULD NOT HAVE TO BE UNCOVERED LITTLE BY LITTLE. ON MAJOR GOVERNMENTAL ACTIONS AFFECTING THE ENVIRONMENT, WE SHOULD FULLY AND OPENLY REVEAL SUCH IMPACTS SO THAT ANOTHER GOVERNMENT CAN MAKE ITS OWN DECISIONS. APPLYING NEPA TO THE ACTIONS OF U.S. AGENCIES ABROAD IS IN NO SENSE A VIOLATION OF FOREIGN SOVEREIGNTY; INDEED, IT REPRESENTS A RESPECT FOR FOREIGN SOVEREIGNTY. FOREIGN POLICY CONSIDERATIONS MAY WARRANT OUR SUPPORTING DUBIOUS PROJECTS ABROAD; AT AN ABSOLUTE MINIMUM, HOWEVER, THE UNDERDEVELOPED NATIONS TO WHOM THE BULK OF OUR NON-MILITARY ASSISTANCE GOES HAVE A RIGHT TO KNOW WHEN A PROJECT WE SUPPORT MIGHT GET THEM INTO SERIOUS HEALTH, SAFETY, AND ENVIRONMENTAL TROUBLE.

MOST DEVELOPING NATIONS CANNOT DUPLICATE OUR ENVIRONMENTAL EXPERTISE; WE SHOULD NOT FORCE THEM TO DUPLICATE OUR ENVIRONMENTAL MISFORTUNES. OUR OWN PRAGMATIC SELF-INTEREST

DICTATES THAT, WHEN OUR GOVERNMENT ENGAGES IN ACTIVITIES ABROAD, WE SHOULD HELP OTHER NATIONS LOOK BEFORE THEY -- OR WE -- LEAP.

CEQ BELIEVES THAT NEPA REQUIRES SUCH A LOOK TOO -- NOT ONLY AS A MATTER OF LAW, BUT AS A MATTER OF PRUDENCE AND JUDGMENT.

THANK YOU

FLOODPLAIN MANAGEMENT GUIDELINES

EXECUTIVE SUMMARY

THE OBJECTIVE OF EXECUTIVE ORDER 11988 IS:

- "* * * to avoid to the extent possible the long- and short-term adverse impacts associated with the occupancy and modification of floodplains and to avoid direct and indirect support of floodplain development wherever there is a practicable alternative * * *"

THE ORDER APPLIES TO:

- ALL AGENCIES that: (1) acquire, manage, or dispose of Federal lands and facilities; (2) undertake finance, or assist construction and improvements; and (3) conduct activities and programs affecting land use, including planning, regulating, and licensing.
- ALL FEDERAL ACTIONS: described in the preceding sentence.
- ALL FLOODPLAIN LOCATIONS: whether they are along or near to rivers, streams, oceans, ponds, or related water bodies—as a minimum, areas subject to inundation by a flood with a one percent chance of occurring in any year (i.e., "100-year or base flood").

THE ORDER REQUIRES THAT AGENCIES:

- AVOID THE BASE FLOODPLAIN: unless it is the only practicable alternative.
- ADJUST TO THE BASE FLOODPLAIN: if the base floodplain cannot be avoided, adjust to it in order to: (1) reduce the hazard and the risk of flood loss; (2) minimize the impact of floods on human safety, health, and welfare; and (3) restore and preserve the natural and beneficial floodplain values. The framework for meeting these requirements is the Water Resources Council's *Unified National Program for Flood Plain Management.*
- EVALUATE, DESIGN, AND IMPLEMENT ALL AGENCY ACTIONS: to meet the policies of the Order.
- NOTIFY THE PUBLIC: if the head of an agency finds there is no practicable alternative. This will usually occur after there has been early notice to the public on plans and proposals and alternative courses of action.
- AMEND OR ISSUE REGULATIONS AND PROCEDURES: (1) to avoid the base floodplain if at all practicable; (2) to provide for actions to ADJUST TO THE BASE FLOODPLAIN, if it cannot be avoided; and (3) to keep the public informed of proposed actions in the base floodplain and encourage participation in floodplain decisionmaking. Each agency shall issue or amend existing regulations within one year to comply with this Order. Agencies shall prepare their procedures in consultation with the Water Resources Council, the Federal Insurance Administration and the Council on Environmental Quality, and shall update such procedures as necessary.

THESE GUIDELINES ARE INTENDED:

- TO BE USED BY AGENCIES: in preparing their procedures in consultation with the WRC, CEQ, and FIA.
- TO FURNISH: (1) explanations of key terms and floodplain management concepts; (2) analyses of the Order, section by section, for agency use in developing their regulations and procedures for complying with the intent of each section; and (3) procedures in the form of a decision-making process leading from the determination that a proposed action is or is not located in the base floodplain through the implementation of agency action.
- TO ASSIST AGENCIES: by providing broad guidance in the implementation of the Order for use in the preparation of individual agency procedures. It is recognized that agency procedures will necessarily vary to meet legislatively prescribed missions as well as the requirements of the Order.

43 FR 6030
February 10, 1978
(Reprint)

STATEMENT TITLE INDEX - BY STATE AND COUNTY

STATE	COUNTY	STATUS	STATEMENT TITLE	ACCESSION NUMBER	DATE FILED	ORIG AGENCY NUMBER
		DRAFT	Cooperative Gypsy Moth Suppression Program, 1978	80019	01-09-78	USDA
		DRAFT	Public Transportation Improvement Act, 1978	80088	01-30-78	DOT
		FINAL	Ohio R. (438 to 981) Sand & Gravel Dredge, Permit	80015	01-06-78	COE
		FINAL	Co-60 Spark-Gap Irradiators, Licensing Exemption	80034	01-12-78	NRC
		FINAL	Radioactive Materials Transportation	80041	01-16-78	NRC
		FINAL	Benzene, Occupational Exposure Standard	80082	01-27-78	DLAB
		SUPPLE	Altantic Groundfish Fisheries (S-1)	80017	01-06-78	DOC
Alabama		DRAFT	Proposed 1978 OCS Oil And Gas Lease OCS #65	80094	01-31-78	DOI
	Walker	DRAFT	Walker County Airport	80036	01-13-78	DOT
	Wilcox	FINAL	Boykin, Ala.--Water System & Road Improve	80052	01-18-78	HUD
Arizona	Yuma	FINAL	MX: Buried Trench Construction & Test	80065	01-20-78	USAF
Arkansas	several	FINAL	Lakes Greeson, Ouachita, & DeGray, O&M	80056	01-19-78	COE
California	several	DRAFT	Tahoe NF Timber Management Plan	80032	01-11-78	USDA
	LOS ANGELES	DRAFT	Wastewater Treatment Plan, Los Angeles	80086	01-30-78	EPA
	Riverside	DRAFT	SUNDESERT NUCLEAR PLANT UNITS 1 AND 2	80081	01-27-78	NRC
	Several	FINAL	Eldorado N.F. Timber Plan	80068	01-23-78	USDA
	Solano	FINAL	Vallejo, Cal. -- Vallejo River Park	80091	01-30-78	HUD
		SUPPLE	Surfside-Sunset and Newport Beach, Orange Co.	80024	01-10-78	COE
		SUPPLE	E. Marin-S. Sonoma Wastewater Management (S-1)	80031	01-11-78	EPA
Colorado		SUPPLE	Bear Creek Lake (S-1)	80029	01-11-78	COE
	Jefferson	DRAFT	Concept 80 West Development, Lakewood	80051	01-18-78	HUD
Florida		DRAFT	Proposed 1978 OCS Oil And Gas Lease OCS #65	80094	01-31-78	DOI
		SUPPL	Aquatic Plant Control, Florida (S-1)	80096	01-31-78	COE
	Key Biscayne	DRAFT	Beach Erosion Control Study, Key Biscayne	80093	01-31-78	COE

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Georgia	DeKalb	FINAL	Amberly Subdivision	80028	01-11-78	HUD
		FINAL	Martins Crossing Subdivision	80030	01-11-78	HUD
	DeKalb	DRAFT	Peachtree and Nancy Creeks, Flood Control	80014	01-05-78	COE
	Fulton	DRAFT	Peachtree and Nancy Creeks, Flood Control	80014	01-05-78	COE
	Guinnett	DRAFT	Peachtree and Nancy Creeks, Flood Control	80014	01-05-78	COE
Hawaii		SUPPLE	Kahoolawe Island Target Complex	80039	01-16-78	DOD
	Kauai	DRAFT	Development Projects, Lihue Airport	80078	01-25-78	DOT
Idaho	several	DRAFT	North Idaho Forests Silvicultural Treatments	80005	01-03-78	USDA
	Idaho	DRAFT	Gospel Hump, Nezperce & Payette NF, Wilderness	80047	01-18-78	USDA
Illinois	Cook	DRAFT	Lansing Municipal Airport, Improvements	80045	01-17-78	DOT
	Jackson	FINAL	Carbondale R.R. Relocation Demonstration	80071	01-24-78	DOT
	Lake	DRAFT	Lansing Municipal Airport, Improvements	80045	01-17-78	DOT
Indiana	Tippecanoe	DRAFT	Lafayette Railroad Relocation	80009	01-05-78	DOT
Iowa	Lee	DRAFT	IA-518, Lee County	80013	01-05-78	DOT
Kansas	Ellsworth	FINAL	Kanopolis Lake, Kansas, O&M	71536	01-30-78	COE
	Lincoln	FINAL	Wilson Lake, O & M	80027	01-11-78	COE
	McPherson	FINAL	Kanopolis Lake, Kansas, O&M	71536	01-30-78	COE
	Russell	FINAL	Wilson Lake, O & M	80027	01-11-78	COE
	Saline	FINAL	Kanopolis Lake, Kansas, O&M	71536	01-30-78	COE
Kentucky	McCreary	FINAL	Beaver Creek Wilderness, Mineral Prospecting	80025	01-11-78	USDA
	Several	FINAL	Obion Creek Project, Kentucky	80061	01-20-78	COE
Louisiana	several	FINAL	Louisiana North-South Expressway	80054	01-19-78	DOT
	Jefferson	FINAL	Jefferson, La. - Marrero to Lafitte Waterline	80018	01-09-78	HUD
Maryland	Carroll	FINAL	Piney Ridge Village	80066	01-20-78	HUD

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Maryland	Montgomery	FINAL	Metrobus Garage Facility	80026	01-11-78	DOT
Massachusetts		DRAFT	Lechmere Canal and Triangle Development Project	80007	01-04-78	HUD
	Cambridge	FINAL	Kendall Square Urban Renewal	80057	01-19-78	HUD
Michigan	several	DRAFT	Northwest Michigan Railroad Abandonment	80006	01-03-78	ICC
	Huron	DRAFT	Harbor Beach, Michigan, Harbor of Refuge O&M	80010	01-05-78	COE
	Mecosta	DRAFT	MI-20 Bridge Replacement, Big Rapids	80008	01-04-78	DOT
	St. Clair	DRAFT	MI-29, Reconstruction, Algonac	80064	01-20-78	DOT
	Wayne	DRAFT	Elmwood III Development	80016	01-09-78	HUD
Minnesota		DRAFT	Locks and Dam No. 1, Rehabilitation	80043	01-17-78	COE
	Cook	FINAL	Superior NF, Proposed Land Exchange	80076	01-25-78	USDA
	Lake	FINAL	Superior NF, Proposed Land Exchange	80076	01-25-78	USDA
	St. Louis	FINAL	Superior NF, Proposed Land Exchange	80076	01-25-78	USDA
Mississippi		DRAFT	Proposed 1978 OCS Oil And Gas Lease OCS #65	80094	01-31-78	DOI
	Neshoba	DRAFT	Union Creek Channel Improvement	80048	01-18-78	USDA
	Newton	DRAFT	Union Creek Channel Improvement	80048	01-18-78	USDA
	Tishomingo	FINAL	Yellow Creek Nuclear Plant	80092	01-31-78	TVA
Nebraska	Dundy	FINAL	F.A.S. Route 1270, Dundy County	80037	01-13-78	DOT
	Sarpy	FINAL	Nebraska 370, Bellevue	80046	01-17-78	DOT
New Hampshire		SUPPLEI	-93, Littleton, N.H. - Waterford, Vt.	80087	01-30-78	DOT
	Rockingham	FINAL	9.5 Mile N.H. Route 101 Relocation	80053	01-18-78	DOT
New York	Nassau	FINAL	Fire Island - Montauk Pt. Beach Erosion Project	80085	01-30-78	COE
	Suffolk	FINAL	Fire Island - Montauk Pt. Beach Erosion Project	80085	01-30-78	COE
North Dakota	Mercer	FINAL	AMG Coal Gasification Company	80062	01-20-78	DOI

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Ohio	Fairfield	DRAFT	Rush Creek Watershed	80011	01-05-78	USDA
	Hocking	DRAFT	Rush Creek Watershed	80011	01-05-78	USDA
	Perry	DRAFT	Rush Creek Watershed	80011	01-05-78	USDA
Oklahoma	Canadian	FINAL	Westbury Development, Oklahoma City	80022	01-09-78	HUD
	Lincoln	FINAL	Kickapoo Nations Watershed Project	80074	01-24-78	USDA
	Oklahoma	FINAL	Kickapoo Nations Watershed Project	80074	01-24-78	USDA
Oregon		SUPPLE	Applegate Lake, Rogue River Basin (S-3)	80001	01-03-78	COE
	Coos	FINAL	North Bend Municipal Airport Development	80042	01-16-78	DOT
	Linn	FINAL	Breitenbush Area, Geothermal Development	80075	01-24-78	USDA
	Marion	FINAL	Breitenbush Area, Geothermal Development	80075	01-24-78	USDA
	Tillamook	FINAL	Tillamook South Jetty Extension	80060	01-19-78	COE
Pennsylvania	Blair	FINAL	LR 1061, Blair Co. Pennsylvania	80080	01-26-78	DOT
Puerto Rico		DRAFT	Rio Grande Estates	80003	01-03-78	HUD
South Carolina	Charleston	FINAL	Stonefield Subdivision	80090	01-30-78	HUD
Tennessee		DRAFT	Lakemeer Subdivision	80072	01-24-78	HUD
		FINAL	Maury-Shelby, 500-kV Transmission Line	80002	01-03-78	TVA
		SUPPLE	West Tennessee Tributaries Project (S-1)	80050	01-18-78	COE
	Shelby	DRAFT	Kirby Meadows Subdivision	80021	01-09-78	HUD
		DRAFT	Walnut Grove Woods, Memphis	80073	01-24-78	HUD
	Van Buren	DRAFT	TN-1, McMinnville to Sparta	80077	01-25-78	DOT
	Warren	DRAFT	TN-1, McMinnville to Sparta	80077	01-25-78	DOT
	White	DRAFT	TN-1, McMinnville to Sparta	80077	01-25-78	DOT
Texas	Brazoria	DRAFT	Freeport Harbor Enlargement and Maintenance	80012	01-05-78	COE
	Fort Bend	DRAFT	Pecan Grove Plantation Subdivision	80083	01-27-78	HUD
	Galveston	DRAFT	Countryside Subdivision, League City	80069	01-24-78	HUD
	Harris	DRAFT	Piper's Meadow Subdivision	80033	01-11-78	HUD
		DRAFT	Cypress Point Subdivision	80084	01-27-78	HUD

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STATEMENT TITLE INDEX - BY STATE AND COUNTY

STATE	COUNTY	STATUS	STATEMENT TITLE	ACCESSION NUMBER	DATE FILED	ORIG AGENCY NUMBER
Texas	Harris	FINAL	Greensbrook and Lake Forest Subdivisions	80020	01-09-78	HUD
		FINAL	Camden Park Subdivision	80023	01-09-78	HUD
	Henderson	DRAFT	Forest Grove Dam and Reservoir, Caney Creek	80044	01-17-78	COE
	Hill	FINAL	Tehuacana Creek Watershed	80095	01-31-78	USDA
	HARRIS	DRAFT	Westland Creek Village Subdivision	80059	01-19-78	HUD
	Limestone	FINAL	Tehuacana Creek Watershed	80095	01-31-78	USDA
	Mc Lennan	FINAL	Tehuacana Creek Watershed	80095	01-31-78	USDA
	Several	DRAFT	Railroad Abandonment, Bonita Jct-Seagoville	80058	01-19-78	ICC
U.S. Territory		DRAFT	Small Boat Harbor, Agat, Guam	80079	01-25-78	COE
Utah	several	DRAFT	Salt Lake Planning Unit	80035	01-13-78	USDA
Vermont		SUPPLEI	-93, Littleton, N.H. - Waterford, Vt.	80087	01-30-78	DOT
Virginia	Several	DRAFT	Mt. Rogers, Natl Recreation Area, Scenic Highway	80067	01-20-78	USDA
Washington	several	SUPPLE	Naches-Tieton-White River (S-1)	80038	01-13-78	USDA
	Kitsap	FINAL	Kitsap Co., Wa.-Wastewater Facilities	80040	01-16-78	HUD
West Virginia	Greenbrier	FINAL	Greenbrier Valley Airport	80089	01-30-78	DOT
	Randolph	DRAFT	Spruce Knob Lakes Complex, Monongahela NF	80004	01-03-78	USDA
Wisconsin	Brown	FINAL	Green Bay Harbor, O & M	80070	01-24-78	COE
	Green Bay	FINAL	Green Bay Harbor, O & M	80070	01-24-78	COE
	Waukesha	FINAL	S.T.H. 83, Waukesha County	80063	01-20-78	DOT
Wyoming	Fremont	FINAL	Union Pass Planning Unit, Bridger-Teton NF	80055	01-19-78	USDA
	Sublette	FINAL	Union Pass Planning Unit, Bridger-Teton NF	80055	01-19-78	USDA
	Teton	FINAL	Union Pass Planning Unit, Bridger-Teton NF	80055	01-19-78	USDA

FROM 01-01-78
TO 01-31-78

COUNCIL ON ENVIRONMENTAL QUALITY

02-21-78

STATEMENT TITLE INDEX - BY AGENCY, BUREAU, & STATUS

AGENCY / BUREAU	STATUS	STATEMENT TITLE	ACCESSION NUMBER	DATE FILED	NTIS ORDER NUMBER
DEPARTMENT OF AGRICULTURE					
Forest Service					
	DRAFT	Spruce Knob Lakes Complex, Monongahela NF	80004	01-03-78	(none)
		North Idaho Forests Silvicultural Treatments	80005	01-03-78	(none)
		Cooperative Gypsy Moth Suppression Program, 1978	80019	01-09-78	(none)
		Tahoe NF Timber Management Plan	80032	01-11-78	(none)
		Salt Lake Planning Unit	80035	01-13-78	(none)
		Gospel Hump, Nezperce & Payette NF, Wilderness	80047	01-18-78	(none)
		Union Creek Channel Improvement	80048	01-18-78	(none)
		Mt. Rogers, Natl Recreation Area, Scenic Highway	80067	01-20-78	(none)
	FINAL	Beaver Creek Wilderness, Mineral Prospecting	80025	01-11-78	(none)
		Union Pass Planning Unit, Bridger-Teton NF	80055	01-19-78	(none)
		Eldorado N.F. Timber Plan	80068	01-23-78	(none)
		Breitenbush Area, Geothermal Development	80075	01-24-78	(none)
		Superior NF, Proposed Land Exchange	80076	01-25-78	(none)
	SUPPLEM	Naches-Tieton-White River (S-1)	80038	01-13-78	(none)
Soil Conservation Service					
	DRAFT	Rush Creek Watershed	80011	01-05-78	(none)
	FINAL	Kickapoo Nations Watershed Project	80074	01-24-78	(none)
		Tehuacana Creek Watershed	80095	01-31-78	(none)
DEPARTMENT OF COMMERCE					
	SUPPLEM	Altantic Groundfish Fisheries (S-1)	80017	01-06-78	(none)
DEPARTMENT OF DEFENSE					
DEPARTMENT OF DEFENSE, Navy					
	SUPPLEM	Kahoolawe Island Target Complex	80039	01-16-78	(none)
DEPARTMENT OF DEFENSE, Air Force					
	FINAL	MX: Buried Trench Construction & Test	80065	01-20-78	(none)
DEPARTMENT OF DEFENSE, Army Corps					
	DRAFT	Harbor Beach, Michigan, Harbor of Refuge O&M	80010	01-05-78	(none)
		Freeport Harbor Enlargement and Maintenance	80012	01-05-78	(none)

STATEMENT TITLE INDEX - BY AGENCY, BUREAU, & STATUS

AGENCY / BUREAU	STATUS	STATEMENT TITLE	ACCESSION NUMBER	DATE FILED	NTIS ORDER NUMBER
DEPARTMENT OF DEFENSE, Army Corps					
	DRAFT	Peachtree and Nancy Creeks, Flood Control Study	80014	01-05-78	(none)
		Locks and Dam No. 1, Rehabilitation	80043	01-17-78	(none)
		Forest Grove Dam and Reservoir, Caney Creek	80044	01-17-78	(none)
		Small Boat Harbor, Agat, Guam	80079	01-25-78	(none)
		Beach Erosion Control Study, Key Biscayne	80093	01-31-78	(none)
	FINAL	Kanopolis Lake, Kansas, O&M	71536	01-30-78	(none)
		Ohio R. (438 to 981) Sand & Gravel Dredge, Permit	80015	01-06-78	(none)
		Wilson Lake, O & M	80027	01-11-78	(none)
		Lakes Greeson, Ouachita, & DeGray. O&M	80056	01-19-78	(none)
		Tillamook South Jetty Extension	80060	01-19-78	(none)
		Obion Creek Project, Kentucky	80061	01-20-78	(none)
		Green Bay Harbor, O & M	80070	01-24-78	(none)
		Fire Island - Montauk Pt. Beach Erosion Project	80085	01-30-78	(none)
	SUPPL	Aquatic Plant Control, Florida (S-1)	80096	01-31-78	(none)
	SUPPLEM	Applegate Lake, Rogue River Basin (S-3)	80001	01-03-78	(none)
		Surfside-Sunset and Newport Beach, Orange County	80024	01-10-78	(none)
		Bear Creek Lake (S-1)	80029	01-11-78	(none)
		West Tennessee Tributaries Project (S-1)	80050	01-18-78	(none)
DEPARTMENT OF HUD					
	DRAFT	Rio Grande Estates	80003	01-03-78	(none)
		Elmwood III Development	80016	01-09-78	(none)
		Kirby Meadows Subdivision	80021	01-09-78	(none)
		Piper's Meadow Subdivision	80033	01-11-78	(none)
		Concept 80 West Development, Lakewood	80051	01-18-78	(none)
		Westland Creek Village Subdivision	80059	01-19-78	(none)
		Countryside Subdivision, League City	80069	01-24-78	(none)
		Lakemeer Subdivision	80072	01-24-78	(none)
		Walnut Grove Woods, Memphis	80073	01-24-78	(none)
		Pecan Grove Plantation Subdivision	80083	01-27-78	(none)
		Cypress Point Subdivision	80084	01-27-78	(none)
	FINAL	Greensbrook and Lake Forest Subdivisions	80020	01-09-78	(none)
		Westbury Development, Oklahoma City	80022	01-09-78	(none)
		Camden Park Subdivision	80023	01-09-78	(none)
		Amberly Subdivision	80028	01-11-78	(none)
		Martins Crossing Subdivision	80030	01-11-78	(none)
		Kendall Square Urban Renewal	80057	01-19-78	(none)
		Piney Ridge Village	80066	01-20-78	(none)
		Stonefield Subdivision	80090	01-30-78	(none)
Section 104(h)					
	DRAFT	Lechmere Canal and Triangle Development Project	80007	01-04-78	(none)
	FINAL	Jefferson, La. - Marrero to Lafitte Waterline	80018	01-09-78	(none)

STATEMENT TITLE INDEX - BY AGENCY, BUREAU, & STATUS

AGENCY / BUREAU	STATUS	STATEMENT TITLE	ACCESSION NUMBER	DATE FILED	NTIS ORDER NUMBER
DEPARTMENT OF HUD					
Section 104(h)					
	FINAL	Kitsap Co., Wa.-Wastewater Facilities	80040	01-16-78	(none)
		Boykin, Ala.--Water System & Road Improve	80052	01-18-78	(none)
		Vallejo, Cal. -- Vallejo River Park	80091	01-30-78	(none)
DEPARTMENT OF INTERIOR					
Bureau of Land Management					
	DRAFT	Proposed 1978 OCS Oil And Gas Lease OCS #65	80094	01-31-78	(none)
Bureau of Reclamation					
	FINAL	ANG Coal Gasification Company	80062	01-20-78	(none)
DEPARTMENT OF LABOR					
	FINAL	Benzene, Occupational Exposure Standard	80082	01-27-78	(none)
DEPARTMENT OF TRANSPORTATION					
Federal Aviation Administration					
	DRAFT	Walker County Airport	80036	01-13-78	(none)
		Lansing Municipal Airport, Improvements	80045	01-17-78	(none)
		Development Projects, Lihue Airport	80078	01-25-78	(none)
	FINAL	North Bend Municipal Airport Development	80042	01-16-78	(none)
		Greenbrier Valley Airport	80089	01-30-78	(none)
Federal Highway Administration					
	DRAFT	MI-20 Bridge Replacement, Big Rapids	80008	01-04-78	(none)
		Lafayette Railroad Relocation	80009	01-05-78	(none)
		IA-518, Lee County	80013	01-05-78	(none)
		MI-29, Reconstruction, Algonac	80064	01-20-78	(none)
		TN-1, McMinnville to Sparta	80077	01-25-78	(none)
		Public Transportation Improvement Act, 1978	80088	01-30-78	(none)
	FINAL	F.A.S. Route 1270, Dundy County	80037	01-13-78	(none)
		Nebraska 370, Bellevue	80046	01-17-78	(none)
		9.5 Mile N.H. Route 101 Relocation	80053	01-18-78	(none)
		Louisiana North-South Expressway	80054	01-19-78	(none)
		S.T.H. 83, Waukesha County	80063	01-20-78	(none)
		Carbondale R.R. Relocation Demonstration	80071	01-24-78	(none)
		LR 1061, Blair Co. Pennsylvania	80080	01-26-78	(none)
	SUPPLEM	I-93, Littleton, N.H. - Waterford, Vt.	80087	01-30-78	(none)
Urban Mass Transportation Administration					
	FINAL	Metrobus Garage Facility	80026	01-11-78	(none)

STATEMENT TITLE INDEX - BY AGENCY, BUREAU, & STATUS

AGENCY / BUREAU	STATUS	STATEMENT TITLE	ACCESSION NUMBER	DATE FILED	NTIS ORDER NUMBER
ENVIRONMENTAL PROTECTION AGENCY					
	DRAFT	Wastewater Treatment Plan, Los Angeles	80086	01-30-78	(none)
	SUPPLE	E. Marin-S. Sonoma Wastewater Management (S-1)	80031	01-11-78	(none)
INTERSTATE COMMERCE COMMISSION					
	DRAFT	Northwest Michigan Railroad Abandonment	80006	01-03-78	(none)
		Railroad Abandonment, Bonita Jct-Seagoville	80058	01-19-78	(none)
NUCLEAR REGULATORY COMMISSION					
	DRAFT	SUNDESERT NUCLEAR PLANT UNITS 1 AND 2	80081	01-27-78	(none)
	FINAL	Co-60 Spark-Gap Irradiators, Licensing Exemption	80034	01-12-78	(none)
		Radioactive Materials Transportation	80041	01-16-78	(none)
TENNESSEE VALLEY AUTHORITY					
	FINAL	Maury-Shelby, 500-kV Transmission Line	80002	01-03-78	(none)
		Yellow Creek Nuclear Plant	80092	01-31-78	(none)

DEPARTMENT OF AGRICULTURE

Contact: Mr. Barry Flamm
Coordinator
Environmental Quality Activities
U.S. Department of Agriculture
Room 307A
Washington, D.C. 20250
(202) 447-6827

Forest Service

Draft — Date

Cooperative Gypsy Moth Suppression Program, 1978 — 01/09

This draft EIS presents the selection criteria for regulatory programs and discusses each viable alternative which may be considered for state-federal cooperative projects in suppressing gypsy moth infestations in the Northeastern United States. Several alternative plans are suggested, utilizing the aerial application of carbaryl, trichlorfon, diflubenzuron, and aceqhate. Adverse impacts include the possible adverse effect of diflubenzuron upon aquatic organisms and carbaryl upon honeybees.
(ELR ORDER # 80019)

Tahoe NF Timber Management Plan — 01/11

California
County: several
Proposed is a revision of the existing Timber Management Plan which establishes a timber harvesting level and schedule for the Tahoe National Forest, California, for the next decade beginning FY 1978. Six alternatives are outlined with a yield of between 2,000 million board feet to 1,000 million board feet per decade. Adverse impacts include a possible effect upon water and soil quality, including some erosion; changes in fish and wildlife habitat; and changes in the vegetative structure, microclimate and plant relationships.
(ELR ORDER # 80032)

North Idaho Forests Silvicultural Treatments — 01/03

Idaho
County: several
Proposed is the reduction of competing vegetation, with herbicides, as a part of the timber resource management activities on National Forest lands in northern Idaho. Plan implementation calls for the spraying of up to 6,000 acres of brush fields per year and the additional spraying of 5,700 acres per year for site planting preparation. Spraying would continue through 1983. Adverse impacts include the alteration of wildlife habitat and shifts in the population levels of various species.
(ELR ORDER # 80005)

Gospel Hump, Nezperce & Payette NF, Wilderness 01/18

Idaho
County: Idaho
Proposed is the recommendation for a Wilderness Study Area of 236,830 acres of National Forest land in the Nezperce and Payette National Forests in northern Idaho, and a Land Management Plan for 212,444 acres of National Forest land in the Nezperce National Forest. Principal environmental impacts resulting from the recommendations in this EIS are associated with timber harvest and culture, treatment of big game winter ranges, off-road vehicle use and general wilderness use.
(ELR ORDER # 80047)

Union Creek Channel Improvement 01/18

Mississippi
County: Neshoba Newton
Proposed are floodcontrol measures in the city of Union, Mississippi, to reduce flooding of streets, yards, and grounds from various storm sizes up to and including the 100 year event. Proposed plan implementation calls for increasing the flow capacity of 1.73 miles of previously altered intermittent streams and construction of about 1,400 ft. of levee. Adverse impacts involve the displacement of existing wildlife from 18 acres of mixed sapling and shrubby-type vegetation to be cleared during channel construction and repopulation with other species once vegetation is reestablished.
(ELR ORDER # 80048)

Salt Lake Planning Unit 01/13

Utah
County: several
Proposed is a land management plan for the Salt Lake Planning Unit, an area encompassing 138,000 acres of National Forest and other lands in the state of Utah. Four alternative plans outline resource management in areas such as air, water, recreation, wildlife, range forage, timber, insect and disease control, and mineral development. The proposed plan calls for 95% of the Unit to remain relatively undisturbed except for trail construction, ski area expansion, and people-use associated with recreation activities.
(ELR ORDER # 80035)

Mt. Rogers, Natl Recreation Area, Scenic Highway 01/20

Virginia
County: Several

Proposed is a long range development plan and unit plan for the Mount Rogers Natural Recreation Area located in Carroll, Grayson, Smyth, Washington and Wythe Counties, Virginia. Volume II of the DEIS proposed the construction of approximately 67 miles of two-lane scenic highway, east-west between US 58 and I-77. Dredge permits will be required for major stream crossings if this action is implemented.
(USDA-FS-R8DES Adm.(78-02)/FHWA-VA-EIS-77-03-D.
(ELR ORDER # 80067)

Spruce Knob Lakes Complex, Monongahela NF 01/03

West Virginia
County: Randolph
Proposed is the development of flat water recreation facilities within the Spruce Knob Lakes Complex, Monongahela National Forest, Randolph County, West Virginia. Plan implementation calls for the construction of an 85 acre lake at the headwaters of Gandy Creek and the development of a campground and picnic area adjacent to the lake. Adverse impacts include the loss of about 100 acres of open, undeveloped land and about 30 acres of woodland; effects upon the wildlife environment adjacent to the proposed development; and construction-related pollution.
(ELR ORDER # 80004)

Final Date

Eldorado N.F. Timber Plan 01/23

California
County: Several
Proposed is the implementation of the 10-year Eldorado National Forest Timber Management Plan. The plan summarizes the present timber situation, interprets policy on a local basis, identifies and classifies lands as to suitability for timber production and sets harvest priorities. Timber would be harvested from El Dorado, Amador, Placer, and Alpine Counties, with a feasible average yearly harvest ranging from 174.0 M Cunits to 207.4 M Cunits.
COMMENTS MADE BY: USDA EPA COE DOI
State and Regional Agencies
Organizations, Groups and Individuals
(ELR ORDER # 80068)

Beaver Creek Wilderness, Mineral Prospecting 01/11

Kentucky
County: McCreary
Proposed is the conditional approval, with prescribed modifications, of a prospecting plan submitted by the Greenwood Land and Mining Company of Parkers Lake, Kentucky. The Company claims to own mineral rights beneath and around the Beaver Creek Wilderness, and proposes to use motorized

equipment to prospect for coal at 22 sites. It also intends to deep and surface mine in the Wilderness, based on information gathered by prospecting. Approximately 11 acres of land surface will be cleared, excavated, regraded and revegetated at 17 prospecting sites within the Wilderness.
COMMENTS MADE BY: USDA COE DOI EPA
state and local agencies
(ELR ORDER # 80025)

Superior NF, Proposed Land Exchange 01/25

Minnesota
County: St. Louis Cook Lake
Proposed is a land-for-land exchange of 7,093.72 acres of land held by Lake-Forest Enterprises, Inc., a land agent for Erie Mining Company, for 3,749.58 acres of land in the Superior National Forest. Erie Mining Company proposes to dam a portion of the Upper Partridge River. The lands proposed for transfer to the National Forest are wild, undeveloped forest lands. The transfer would result in additional lake and river frontage, timber wolf habitat, and consolidation of public lands. Adverse effects include inundation of a forest environment.
COMMENTS MADE BY: EPA COE USDA FHWA DOI
State and Local Agencies
Concerned Groups and Individuals
(ELR ORDER # 80076)

Breitenbush Area, Geothermal Development 01/24

Oregon
County: Marion Linn
The proposed action is the leasing of National Forest lands (Willamette and Mt. Hood National Forests) in the area known as the Breitenbush Known Geothermal Resource Area for development of geothermal resources. The Known Geothermal Resource Area and lands covered by lease applications cover a total of 44,283 acres. Development of the lands will be subject to controls designed to minimize adverse impacts on visual, recreational, water, wildlife, soil, timber, and mineral materials resources.
COMMENTS MADE BY: EPA DOI ERDA DOC COE FPC HEW HUD USDA
State and Local Agencies
Groups and Individuals
(ELR ORDER # 80075)

Union Pass Planning Unit, Bridger-Teton NF 01/19

Wyoming
County: Sublette Teton Fremont
Proposed is a comprehensive land use plan for the Union Pass Planning Unit, Bridger-Teton National Forest, Wyoming. The unit contains about 180,000 acres of national forest, and about 1,800 acres of non-national forest land. Plan implementation activities involve wood production; water;

livestock forage; wildlife; fisheries; mineral, oil and gas exploration; and recreation activities. Adverse impacts include short-term impacts on water quality arising from road-construction; displacement of wildlife; and some soil erosion.
COMMENTS MADE BY: USDA HUD DOI EPA AHP
(ELR ORDER # 80055)

Supplement — Date

Naches-Tieton-White River (S-1) — 01/13

Washington
County: several
This statement supplements a draft EIS originally filed with CEQ in August, 1977. The Forest Service has subsequently re-inventoried roadless and undeveloped areas within the planning unit and has added 84,970 acres for a total of 375,750 acres under consideration for wilderness study.
(ELR ORDER # 80038)

Soil Conservation Service

Draft — Date

Rush Creek Watershed — 01/05

Ohio
County: Fairfield Hocking Perry
Proposed is a project for watershed protection, flood prevention, and fish and wildlife in Fairfield, Hocking, and Perry Counties, Ohio. Planned watershed measures consist of 7 single-purpose floodwater retarding structures, one multipurpose fish and wildlife and floodwater retarding structure, 23.0 miles of channel work, and 1.9 miles of dikes. Adverse effects include the permanent or periodic disturbance or change of use on approximately 1,668 acres of land and construction-related pollution.
(ELR ORDER # 80011)

Final — Date

Kickapoc Nations Watershed Project — 01/24

Oklahoma
County: Oklahoma Lincoln
Proposed is the implementation of the Kickapoo Nations Watershed Plan in Oklahoma and Lincoln Counties, Oklahoma. The project provides for flood prevention, municipal water supply, and recreation. The works of improvement include land treatment supplemented by 19 floodwater retarding structures, one floodwater retarding-municipal water and recreation structure, and recreational facilities.

Construction related impacts will result.
COMMENTS MADE BY: DOD DOC HEW DOI EPA FPC
state and local agencies
(ELR ORDER # 80074)

Tehuacana Creek Watershed 01/31

Texas
County: Mc Lennan Hill Limestone
Proposed is the completion of a watershed project in McLennan, Hill, and Limestone Counties, Texas. The project contains provisions for needed land treatment measures on the watershed and the installation of 27 floodwater retarding structures, and channel work. Remaining land treatment measures are to be applied on about 11,000 acres of agricultural land and the remaining 23 grade stabilization structures; 3 floodwater retarding structures and 10.1 miles of channel work are to be installed for completion of the project. Destruction of wildlife habitat will occur on the 72 acres used for installation of dams and emergency spillways of structures.
COMMENTS MADE BY: USA DOI HEW DOT EPA USDA
state and local agencies
(ELR ORDER # 80095)

DEPARTMENT OF COMMERCE

Contact: Dr. Sidney R. Galler
Assistant Secretary for Environmental Affairs
Environmental Affairs
Department of Commerce
Washington, D.C. 20230
(202) 377-4335

Supplement	Date
Atlantic Groundfish Fisheries (S-1)	01/06

This statement supplements a final EIS originally filed with CEQ in March 1977. Proposed is the extension of the fishery plan (haddock, cod, yellowtail Flounder) into the first part of 1978 on an interim basis with provisions for additional quarterly allocations and limitations. The optimum yield figures established in 1977 have not been reduced. The public comment for this supplement has been shortened from 45 to 30 days.

(ELR ORDER # 80017)

DEPARTMENT OF DEFENSE, Air Force

Contact: Col. Luis F. Dominguez
Department of the Air Force
Room 5D431, Pentagon
Washington, D. C. 20330
(202) 697-7799

Final — Date

MX: Buried Trench Construction & Test — 01/20

Arizona
County: Yuma
Proposed is the construction of two sections of underground tunnel in the San Cristobal Valley on the Luke Air Force Range in Yuma County, Arizona. The proposed construction project will provide essential cost and construction data to analyze conceptual protective structures for the mobile, land-based Intercontinental Ballistic Missile (ICBM) System known as MX. The trench will also serve as a test bed for mechanisms designed to punch through the tunnel roof and erect a dummy missile to simulate launch position. Long-term aesthetic degradation will result.
COMMENTS MADE BY: USDA DOD DOI DOT EPA
(ELR ORDER # 80065)

DEPARTMENT OF DEFENSE, Army Corps

Contact: Dr. C. Grant Ash
Office of Environmental Policy
Attn: DAEN-CWR-P
Office of the Chief of Engineers
U.S. Army Corps of Engineers
1000 Independence Avenue, S.W.
Washington, D.C. 20314
(202) 693-6795

Draft — Date

Peachtree and Nancy Creeks, Flood Control Study — 01/05

Georgia
County: Fulton Dekalb Gwinnett
Proposed is the provision for flood damage reduction in the Peachtree-Nancy Creek Basins in Fulton, Dekalb, and Gwinnett Counties, Georgia. Plan implementation calls for the evacuation of two buildings and the floodproofing of 767 additional ones. Adverse impacts include construction-related pollution; the relocation of families; possible destruction of archaeological and historical sites; and temporary disturbance of vegetation and wildlife habitat.
(Savannah District)
(ELR ORDER # 80014)

Beach Erosion Control Study, Key Biscayne — 01/31

Florida
County: Key Biscayne
This action involves the hydraulic excavation and placement of 371,000 cubic yards of sand on 2.4 miles of the southern ocean shore of Key Biscayne to provide a 25-foot level berm at elevation 7 feet mean low water with gentle seaward slopes. Periodic nourishment to compensate for erosion losses would be provided as required. Material for partial beach restoration will be obtained from two areas located offshore beyond the grass beds in areas of shifting sand bottom. The benefit-cost ratio is 7.3 to 1.0.
(ELR ORDER # 80093)

Harbor Beach, Michigan, Harbor of Refuge O&M — 01/05

Michigan
County: Huron
Proposed are Operation and Maintenance measures including dredging, disposal of dredged material, and renovation of existing structures, at the Harbor of Refuge at Harbor Beach, Michigan. Approximately 950,000 cubic yards of sediment are to be dredged and deposited at the proposed disposal site in Section 27 of Sand Beach Township, Huron County, Michigan. Adverse impacts include the disturbance of water quality, benthic regions of the harbor, macroorganisms inhabiting or using the waterways,

and flora and fauna of the upland disposal site; and the acquisition of 65 acres of productive land for the disposal site. (Detroit District)
(ELR ORDER # 80010)

Locks and Dam No. 1, Rehabilitation 01/17

Minnesota
Proposed is the rehabilitation of Locks and Dam No. 1 in the St. Paul-Minneapolis reach of the Mississippi River at mile 847.6 above the mouth of the Ohio River. Plan implementation calls for the closing and dewatering of the two locks from December 1 to May 1; rehabilitation should not affect the normal navigation season. Adverse impacts include increased water turbidity due to placement and removal of cofferdams; increased loads upon the Minneapolis sewer system; excavation of .4 acre of an island; adverse effects upon wildlife; and construction-related pollution.
(St. Paul District)
(ELR ORDER # 80043)

Freeport Harbor Enlargement and Maintenance 01/05

Texas
County: Brazoria
Proposed is the enlargement and realignment of an existing Federal navigation project located in Brazoria County, Texas. Plan implementation calls for deepening, widening, and realigning of channels; relocation of a US Coast Guard Station; relocation of an existing jetty; public use facilities; and the relocation of approximately 20 summer homes and one business. Adverse impacts include the destruction or disturbance of benthic communities; localized turbidity; and possible increases in objectionable odors. (Galveston District)
(ELR ORDER # 80012)

Forest Grove Dam and Reservoir, Caney Creek 01/17

Texas
County: Henderson
Proposed is the granting of a permit for the construction of a dam by the Texas Utilities Services Inc. on Caney Creek, Henderson County, Texas. Plan implementation calls for the construction of the Forest Grove Dam, circulating water intake canals and discharge structures, a pump station and pipeline and reservoir relocations. The reservoir will cover 4 to 5 miles of existing Caney Creek and will have a surface area of app. 1,500 acres. Adverse impacts include the inundation of 1,500 acres of land and the associated displacement of wildlife; the loss of 5.2 miles of flowing stream and its ecosystem; and construction-related impacts.
(Fort Worth District)
(ELR ORDER # 80044)

Small Boat Harbor, Agat, Guam 01/25

U.S. Territory
The Agat Small Boat Harbor project is a Federal and Territory-planned and funded project to evaluate present and future boating needs of the Island of Guam to develop effective and environmentally acceptable plans for harbor facilities to meet these needs. Six alternative plans were considered. Each alternative should attract island-wide boaters to the Agat Bay area, encourage greater boat ownership among local residents, enhance recreational boating and sports and semi-commercial fishing opportunities, and provide an indirect, long-range stimulus to the local economy.
(ELR ORDER # 80079)

Final Date

Ohio R. (438 to 981) Sand & Gravel Dredge, Permit 01/06

Proposed is the issuance of a Department of the Army permit to allow continued commercial sand and gravel dredging from the Ohio River within the jurisdiction of the Louisville District, U.S. Army Corps of Engineers, Ohio River mile 438.0 to 981.0. The project will cause the removal or displacement of benthic fauna and the existing habitat of fish species will be altered. The dredging will cause localized increases in suspended material.
(Louisville District)
COMMENTS MADE BY: FPC DOT DOI USDA EPA
state and local agencies
concerned groups and individuals
(ELR ORDER # 80015)

Lakes Greeson, Ouachita, & DeGray, O&M 01/19

Arkansas
County: several
Proposed is the continuance of operation and maintenance activities at Lake Greeson, Lake Ouachita, and DeGray Lake, Arkansas. The Lake Greeson and Lake Ouachita Projects were authorized for the purposes of flood control and hydroelectric power generation. The DeGray Lake project was authorized for flood control, hydroelectric power generation, water supply, navigation, and recreation. Adverse effects resulting from continued O&M include cold water release from hydroelectric power generation at Lake Greeson and Lake Ouachita, which has disrupted the once warmwater fishery downstream of each lake. (Vicksburg Ditrict)
COMMENTS MADE BY: EPA USDA DOI DOT FPC
(ELR ORDER # 80056)

Kanopolis Lake, Kansas, O&M 01/30

Kansas
County: Ellsworth McPherson Saline
Proposed is the continued operation and maintenance of Kanopolis Lake, located in Ellsworth, McPherson, and Salina Counties, Kansas. The plan includes water control operations, and operation and maintenance of project land and water resources. A major adverse effect is related to flood control operations. Shoreline erosion, disruption of recreation use and damage to project roads and recreation areas result from these fluctuations. (Kansas City District)

COMMENTS MADE BY: DOT HEW EPA HUD DOI USDA AHP
state agencies
(ELR ORDER # 71536)

Wilson Lake, O & M 01/11

Kansas
County: Russell Lincoln
Proposed is the continued operation and maintenance of Wilson Lake in Russell and Lincoln Counties, Kansas. The project consists of water control operations, operation and maintenance of recreation areas, and management of project land and water resources. Adverse impacts, such as loss of vegetation and occurrence of soil erosion, will result from recreational use. (Kansas City District)
COMMENTS MADE BY: USDA DOT HUD USCG HEW DOI EPA
state and local agencies
(ELR ORDER # 80027)

Obion Creek Project, Kentucky 01/20

Kentucky
County: Several
Proposed is a flood control project for Graves, Hickman, Carlisle and Fulton Counties, Kentucky, which provides for about 34 miles of channel enlargement, about 8 miles of new channel construction and 3 miles of channel improvement of Hurricane Creek. The dredged material will be placed on a closed spoil bank along 8 miles of the new channel work. Adverse impacts include disruption of the benthic habitat, temporary increases in stream turbidity, noise, solid wastes, air pollution; and reduction in wildlife availability and fishery values. (Memphis District)
COMMENTS MADE BY: HUD HEW DOT USDA EPA DOI
(ELR ORDER # 80061)

Fire Island - Montauk Pt. Beach Erosion Project 01/30

New York
County: Nassau Suffolk
This EIS addresses all work, past and future, in con-

junction with Fire Island Inlet to Montauk Point project authorized by the River and Harbor Act of 1960. The project provides for widening of beaches, raising dune elevations, installing sand fencing and planting grass on the dunes, and constructing interior drainage structures at Mecox Bay, Sagaponak Lake, and Georgia Pond. Temporary adverse impacts associated with construction will result and will last from 3 to 12 months at any specific site. (New York District)
COMMENTS MADE BY: EPA GSA USDA DOC HUD DOI HEW DOD
State and Local Agencies
Groups and Individuals
(ELR ORDER # 80085)

Tillamook South Jetty Extension 01/19

Oregon
County: Tillamook
Proposed is the extension of the south jetty at the entrance of Tillamook Bay an additional 1,500 feet to a point nearly opposite the north jetty. Channel width would be maintained at 1,200 feet. The jetty would be constructed to an elevation of 18 feet above mean lower low water with a crust width of 30 feet. Adverse effects include reduced tidal interchange which would alter the flushing rate and could result in reduction of the Bay's productivity. Approximately 6.75 acres of bottom habitat would be covered by the proposed extension.
(Portland District)
COMMENTS MADE BY: EPA USDA DOC DOI FERA
(ELR ORDER # 80060)

Green Bay Harbor, O & M 01/24

Wisconsin
County: Green Bay Brown
This statement proposes the continuation of operation and maintenance activities for the Green Bay Harbor in Wisconsin. It is anticipated that 1,200,000 cubic yards of sediment classified as unsuitable for unrestricted disposal by Region V, EPA will be removed during an eight year period beginning 1978. A confined disposal facility for this dredged material, with an incorporated effluent filter, will be constructed on a 55 acre water site in Green Bay, approximately 800 feet off-shore of Bay Beach Park. Adverse impacts will be increased levels of air pollution and disturbance of wildlife. (Chicago District)
COMMENTS MADE BY: USDA DOC DOI EPA
State and Local Agencies
Groups and Individuals
(ELR ORDER # 80070)

Supplement — Date

Surfside-Sunset and Newport Beach, Orange County (S-1) 01/10
California
Proposed is a beach nourishment project to restore the eroding Surfside-Sunset Beach shoreline and help maintain the integrity of the sandy beach shoreline down cast from Surfside-Sunset Beach. The nourishment beach extends along approximately 6,000 feet of the Surfside-Sunset sandy beach shoreline. The nourishment material will be obtained from within a 190-acre subtidal borrow site located about 6,500 feet offshore from the feeder beach. Adverse impacts include the destruction of benthic organisms within the 190-acre offshore borrow site; displacement of fish species; destruction of open coast sandy beach organisms; and construction-related pollution. (LA District)
(ELR ORDER # 80024)

Bear Creek Lake (S-1) 01/11

Colorado
This statement supplements a final EIS originally filed with CEQ in February of 1972; changes have occurred in project features, total project lands and the proposed recreation development since completion of the final EIS. Project implementation calls for two separate earthfilled embankments and an emergency spillway; a multipurpose lake with a surface area of 110 acres; a flood control pool of 640 acres; and recreational facilities. Adverse impacts include construction-related pollution; the relocation of Colorado Highway 8; and the inundation of 750 acres of land. (Omaha District)
(ELR ORDER # 80029)

Aquatic Plant Control, Florida (S-1) 01/31

Florida
This statement supplements a final EIS filed with CEQ in September, 1973 relating to the Aquatic Plant Control Program in Florida. It concerns the inclusion of hydrilla and water lettuce in the Corps' ongoing aquatic plant control program as authorized by Section 302 of Public Law 89-298. The proposed control program calls for the herbicidal maintenance of fishing trails and open water areas in water bodies seriously infested with hydrilla, and localized treatments of water lettuce only when it poses a serious threat to water resource activities.
(Jacksonville District)
COMMENTS MADE BY: USA DOI DOC EPA
State and Local Agencies
(ELR ORDER # 80096)

Applegate Lake, Rogue River Basin (S-3) 01/03

Oregon
This statement supplements a final EIS originally filed with CEQ in 1972. The statement consists of comment letters on the final EIS and the two previous supplemental statements, and the Corps' response to these comments.
(Portland District)
(ELR ORDER # 80001)

West Tennessee Tributaries Project (S-1) 01/18

Tennessee
This statement supplements a FEIS originally filed with CEQ in July of 1975. This supplement addresses the written comments received by the Corps concerning the West Tennessee Tributaries Project.
(ELR ORDER # 80050)

DEPARTMENT OF DEFENSE

DEPARTMENT OF DEFENSE, Navy

Supplement	Date
Kahoolawe Island Target Complex (S-1)	01/16

Hawaii
This statement supplements a FEIS originally filed with CEQ in March 1972. This supplement provides a more complete table of contents and updates the information contained in the final statement. Three new targets have been added to the target complex and overall use of the island for ground operations of the US Marine Corps has increased. Adverse impacts include erosion, and the possible extension of five species of rare plants.
(ELR ORDER # 80039)

ENVIRONMENTAL PROTECTION AGENCY

Contact: Mr. Peter Cook
Director, Office of Federal Activities
Room WSMW 537, 401 M Street, S.W.
Washington, D.C. 20460
(202) 755-0780

Draft — Date

Wastewater Treatment Plan, Los Angeles — 01/30

California
County: Los Angeles
The city of Los Angeles is in the process of completing a plan to meet city sewage treatment needs for the next 25 years. This plan is part of the city's continued long-range planning effort designed to improve the quality of city environment. A range of alternative technical processes, treatment plant locations, and facilities modifications and additions are identified and evaluated; the city has also developed a number of facilities modifications or additions designed to satisfy flow and treatment capacity requirements over the next 25-year planning period.
(ELR ORDER # 80086)

Supplement — Date

E. Marin-S. Sonoma Wastewater Management Plan (S-1) — 01/11
California
This statement supplements a draft EIS originally filed with CEQ in November 1977. Proposed is the inclusion of the Greenwood Beach Area in Southern Marin County in the Eastern Marin-Southern Sonoma Wastewater Management Plan. Greenwood Beach is a subdivision in the city of Tiburon containing 20 homes along approximately one mile of Richardson Bay shoreline.
(ELR ORDER # 80031)

DEPARTMENT OF HUD

Contact: Mr. Richard H. Broun
Director, Office of Environmental Quality
Department of Housing and Urban Development
451 7th Street, S.W.
Washington, D.C. 20410
(202) 755-6308

Draft — Date

Concept 80 West Development, Lakewood — 01/18

Colorado
County: Jefferson
Proposed is the granting of HUD/FHA mortgage insurance for the Concept 80 West, Lake Borough Village, housing development in Lakewood, Colorado. Plan implementation calls for the construction of 168 single family houses and 662 multi-family units. Adverse impacts include increased water usage; soil erosion; increased demand on social services; and construction-related pollution.
(ELR ORDER # 80051)

Elmwood III Development — 01/09

Michigan
County: Wayne
Proposed is the construction, by the city of Detroit, of 2100 dwelling units as the final development phase in a cleared 188 acre urban renewal site for subsidized and non-subsidized rental and sales housing in townhouse, garden apartment, and mid and hi-rise structures. A community center, institutional uses and recreational space are included. Adverse impacts include construction-related pollution; increased noise and air pollution; and redistributed loads on city services.
(ELR ORDER # 80016)

Rio Grande Estates — 01/03

Puerto Rico
Proposed is the development of 496.57 cuerdas of land (one cuerda equals 0.97 acres) in the Zarzal Ward of the Rio Grande municipality, Puerto Rico, into residential housing. First stage implementation calls for the construction of 2,343 dwellings (797 in single family units, and 1,546 units in multifamily structures) in a tract covering 197.83 acres. Adverse impacts include elimination of most of the existing flora; increased air, noise, and water pollution; increased surface runoff and erosion; and construction-related pollution.
(ELR ORDER # 80003)

Kirby Meadows Subdivision 01/09

Tennessee
County: Shelby
Proposed is the development of 260 acres in southeast Shelby County, Tennessee, into the Kirby Meadows subdivision. Plan implementation calls for the construction of single-family, multi-family, commercial and office structures for a planned community of approximately 1,700 families. Adverse impacts include an increase in storm water runoff; the covering of 6 minor archaeological sites; construction-related pollution; and increased levels of air and noise pollution.
(ELR ORDER # 80021)

Lakemeer Subdivision 01/24

Tennessee
Proposed is a residential community on about 667 acres located northeast of Memphis, Tennessee. Development plans include single-family, multi-family, and commercial land uses. Focal point of the development will be a 35-acre fishing lake surrounded by single-family lots with a 1.5 acre park to provide fishing and picnic areas. Adverse impacts include no endangered species habitat; noise levels and air quality generally remains within acceptable limits.
HUD-R04-EIS-77-16D
(ELR ORDER # 80072)

Walnut Grove Woods, Memphis 01/24

Tennessee
County: Shelby
Proposed is a subdivision of about 900 acres located in east Shelby County, Tennessee along Wolf River east of Memphis city limits. It is proposed to develop the site in single-family, multi-family, commercial, and office uses, in accordance with existing zoning regulations. Adverse impacts include endangered species habitat; increased stormwater runoff; and increased noise levels and air quality. Five families would be displaced.
HUD-R04-EIS-77-17D
(ELR ORDER # 80073)

Piper's Meadow Subdivision 01/11

Texas
County: Harris
Proposed is the granting of HUD-FHA mortgage insurance for the development of the 282-acre Piper's Meadow Subdivision located in Harris County, Texas. The proposed subdivision will contain approximately 1000 single family homes, shopping facilities and recreational facilities.
Adverse impacts include the loss of agricultural land and an increased demand for fossil fuels through heavy

dependence on the automobile for transportation.
(ELR ORDER # 80033)

Westland Creek Village Subdivision 01/19

Texas
County: Harris
Proposed is the granting of HUD-FHA mortgage insurance for the development of the 628-acre Westland Creek Village Subdivision located in Harris County, Texas. The development will contain app. 2,000 single family homes and 400 multi-family homes and shopping areas. Adverse impacts include the loss of agricultural land and an increased demand for fossil fuels through heavy dependence upon the automobile.
(ELR ORDER # 80059)

Countryside Subdivision, League City 01/24

Texas
County: Galveston
Proposed is a develcpment of 570 acres into a planned community composed of single family homes located in Galveston County, Texas. The project is expected to be beneficial in transforming a large tract of land currently farmed into an urban community providing for League City's strong demand for housing. The population growth will inevitably result in the transition of some rural land to urban for app. 5,800 people. Adverse impacts include increased loading of solid waste disposal sites, and increased demand for fossil fuels through heavy dependence upon the automobile for transportation.
HUD-R06-EIS-78-2d
(ELR ORDER # 80069)

Pecan Grove Plantation Subdivision 01/27

Texas
County: Fort Bend
The proposed action is for HUD to accept for HUD-FHA home mortgage insurance purposes under Section 203(b) of the National Housing Act of 1934, some 1400 acres of land located in the northeastern portion of Fort Bend County, Texas. It is proposed that this tract of land be developed into a subdivision composed primarily of single family dwellings, about 4300 units. The overall environmental impact is expected to be beneficial in that a large tract of land would be transformed into a residential subdivision. This project will provide housing for some 17,000 people.
HUD-R06-EIS-78-3D
(ELR ORDER # 80083)

Cypress Point Subdivision 01/27

Texas
County: Harris

Proposed is the development of 230 acres into a planned community composed of single-family homes with some commercial reserves in Harris County, Texas. The overall environmental impact of this project is expected to be beneficial in that it would transform a large tract of land, the majority of which is lying fallow, into a planned community. This development provides for the planning and controlling of a wide range of living accomodations for about 3700 people.
HUD-R06-EIS-78-5D
(ELR ORDER # 80084)

Final — Date

Amberly Subdivision — 01/11

Georgia
County: DeKalb
The proposed project consists of the development of 2 subdivisions, Amberly and Amberly East, approximately 4.5 miles from Stone Mountain, Georgia. The plan calls for land uses of 648 single-family detached units, on 283.04 acres and a flood plain of 25.5 acres. Completion of the project will result in increased pressure on community services and facilities, as well as higher levels of air and noise pollution.
COMMENTS MADE BY: USDA HEW DOI EPA GSA
state and local agencies
(ELR ORDER # 80028)

Martins Crossing Subdivision — 01/11

Georgia
County: DeKalb
The proposed project is the construction of Martins Crossing Subdivision in DeKalb County, Georgia. The 246-acre development has proposed land use of 535 single-family detached units. Common recreational amenities, including a swimming pool, cabana, and tennis courts, will be provided and 76.3 acres will be left in open space. Negative effects include increased traffic; additional demand on utilities, municipal and community services and facilities; and increased surface water run-off.
COMMENTS MADE BY: USDA HEW DOI DOT ERDA EPA GSA FEA FPC
state and local agencies
(ELR ORDER # 80030)

Piney Ridge Village — 01/20

Maryland
County: Carroll
This statement contains a proposal for mortgage insurance for the Piney Ridge Village in Carroll County, Maryland. The site of the proposed Piney Ridge Village Planned Unit Development is 450 acres comprising most of the south-

western quadrant of the major intersection of State Route 26 and Route 32. Development will include construction of 1,695 dwelling units, and community centers. Land has been reserved for development of public open space and school areas. Adverse effects include increases in air pollution and community noise levels, and increased storm water runoff.
COMMENTS MADE BY: EPA DOI USDA
(ELR ORDER # 80066)

Kendall Square Urban Renewal 01/19

Massachusetts
County: Cambridge
Proposed is the completion of an on-going urban renewal project approved in 1965 and centered around NASA in the eastern part of the city of Cambridge, Massachusetts. The planned uses of the Kendall Square Urban Renewal Project are light industry, technical and general office space, retail stores, a fire station, possible hotel and residential, and a parking garage. Negative effects include complete relocation of 6 businesses, and construction related impacts.
COMMENTS MADE BY: COE DOI NEC USDA GSA EPA ERDA DOT
(ELR ORDER # 80057)

Westbury Development, Oklahoma City 01/09

Oklahoma
County: Canadian
The proposed action is for the Department of HUD to accept part of the undeveloped areas of the Westbury Development in Oklahoma City for HUD-FHA home mortgage insurance purposes. The remaining area will be used for commercial and recreational purposes. The impact of Westbury will be the urbanization of about 1048 acres formerly used for agriculture and an uncontrolled flood plain. Adverse effects include increased load on schools, possible reduction in air quality, and increased noise levels.
COMMENTS MADE BY: EPA USDA DOT AHP
State and Local Agencies
(ELR ORDER # 80022)

Stonefield Subdivision 01/30

South Carolina
County: Charleston
Proposed is the approval of HUD/FHA mortgage insurance for the Stonefield Subdivision in the Charleston area, South Carolina. The development will consist of 1,079 dwelling units on a 330-acre tract of land. Development plans include a golf course with club facilities, tennis courts, swimming pools and a boat basin/marina. Adverse effects will be conversion of open and wooded land to urban use, and some increase in storm water runoff into Clark Sound

and Seaside Creek.
COMMENTS MADE BY: EPA COE DOD FPC GSA HEW ERDA DOT SCS DOC
State and Local Agencies
Concerned Groups and Individuals
(ELR ORDER # 80090)

Greensbrook and Lake Forest Subdivisions 01/09

Texas
County: Harris
The proposed action is for the Department of HUD to accept for HUD-FHA mortgage insurance purposes the Greensbrook and Kings Lake Forest Subdivisions located in the northeast section of Harris County, Texas. When completed in approximately ten years, the subdivisions will contain approximately 2,628 single-family homes plus recreational facilities to serve the subdivisions. Adverse effects include the removal of potential forestland and livestock grazing land from production.
COMMENTS MADE BY: EPA COE DOT HEW AHP
state and local agencies
(ELR ORDER # 80020)

Camden Park Subdivision 01/09

Texas
County: Harris
Proposed is the acceptance of the 311-acre Camden Park Subdivision for mortgage insurance purposes. Project plans call for the development of single-family homes, with some commercial reserves, in Harris County, Texas. Adverse effects include the loss of agricultural land and an increased demand for fossil fuels through heavy dependence on the automobile for transportation.
COMMENTS MADE BY: EPA COE DOI USDA
state and local agencies
(ELR ORDER # 80023)

Section 104(h)

Draft Date

Lechmere Canal and Triangle Development Project 01/04

Massachusetts
Proposed is the Lechmere Canal and Triangle Area Development Project located in the northeastern corner of the city of Cambridge. Plan implementation calls for the restoration of the Lechmere Canal and establishment of a bordering park; conversion of the Cambridge Parkway area to a park along the Charles River; open-space walkways from the development areas to the new parks; street widening; relocation of the Lechmere Square MBTA Station; and the development of housing, retail and office

centers. Adverse impacts include the relocation of 18 to 21 businesses; and increased traffic and construction-related pollution.
(ELR ORDER # 80007)

Final — Date

Boykin, Ala.--Water System & Road Improve — 01/18

Alabama
County: Wilcox
Proposed is the construction of a water system and road paving project in the Boykin Community, Wilcox County, Alabama. The water project will consist of 10.5 miles of water mains. Six-inch pipe will be used for all mains with the exception of the short dead end lines that do not indicate future expansion; a 125,000 gallon elevated storage tank will be located at the north end of the system. The road improvement project consists of upgrading 2.84 miles of the present gravel surfaced roadways that run through the Boykin Community. Construction activities will cause short-term disruption.
COMMENTS MADE BY: HEW EPA DOI COE
(ELR ORDER # 80052)

Vallejo, Cal. -- Vallejo River Park — 01/30

California
County: Solano
Proposed is the development of a neighborhood-community park located in northwest Vallejo, adjacent to Mare Island Strait in Solano County, California. The site is 3,800 feet in length and about 630 feet in average width, with approximately one half mile of water frontage. The Park will total approximately 75 acres and will be known as River Park. Phase One will include tennis courts, softball complex, and overlook picnic area; Phase Two will include the east picnic area, children's playground, and miscellaneous facilities.
COMMENTS MADE BY: DOI COE
State and Local Agencies
Groups and Individuals
(ELR ORDER # 80091)

Jefferson, La. - Marrero to Lafitte Waterline — 01/09

Louisiana
County: Jefferson
Proposed is the construction of a water line from Marrero to Lafitte in Jefferson Parish, Louisiana, to provide improved water service to the people of Ward Six of the parish and to provide for the area's domestic, recreational, commercial, and industrial needs. The water line would originate as a 36-inch diameter pipe in Marrero and would terminate approximately seventeen miles south near the

end of State Highway 45 Lafitte, as an 18-inch diameter pipe. Its size would be reduced sequentially as it moves south from Marrero. Construction of the pipeline will remove approximately 20.4 acres of land from future development.
COMMENTS MADE BY: EPA COE
concerned groups and individuals
(ELR ORDER # 80018)

Kitsap Co., Wa.-Wastewater Facilities 01/16

Washington
County: Kitsap
Proposed is the extension of existing sewerage facilities in the unincorporated community of Manchester, Washington, to serve the planned 148-unit Megan Heights subdivision and surrounding land area. The proposed sewer extension potential service area is bounded by Chester Street on the north, State Route 160 on the south, Puget Drive on the east, and Nebraska Street on the west. The Kitsap County Department of Development proposes to extend the present Manchester Sewer District sewer interceptor from Hemlock Street to California Avenue. Adverse effects include the removal of trees and other vegetation.
COMMENTS MADE BY: DOI
(ELR ORDER # 80040)

DEPARTMENT OF INTERIOR

Contact: Mr. Bruce Blanchard
Director, Environmental Project Review
Room 4256 Interior Bldg.
Department of the Interior
Washington, D.C. 20240
(202) 343-3891

Bureau of Land Management

Draft — Date

Proposed 1978 OCS Oil And Gas Lease OCS #65 — 01/31

Florida Alabama Mississippi
Proposed is the OCS Sale No.65 which involves the offering of 116 tracts for leasing for the extraction of oil and gas. The tracts are located on the Outer Continental Shelf in areas located west, south, and east of that portion of the states of Florida, Alabama, Mississippi and Louisiana that border on the Gulf of Mexico. The largest portion is located off the Coast of Florida, with the exception of two tracts; each tract contains 5,760 acres. The total area offered in all tracts amounts to 667,229.28 acres.
(ELR ORDER # 80094)

Bureau of Reclamation

Final — Date

ANG Coal Gasification Company — 01/20

North Dakota
County: Mercer
The Bureau of Reclamation proposes to make available to ANG Coal Gasification Company 17,000 acre-feet of water annually for coal gasification needs from Garrison Reservoir through a 40-year water service contract. The gasification complex, to be located in southwestern North Dakota, would produce 250 million cubic feet per day of synthetic natural gas for use in the Michigan and Wisconsin market areas. Major adverse impacts include use of 600 acres of land, disturbance of 12,500 acres of land, and emissions of 14,665 lbs of sulfur dioxide, 6,143 lbs of nitrogen oxides, and 693 lbs of particulates each hour.
FES 78-1
COMMENTS MADE BY: DOT USDA DOD HEW HUD EPA FPC FEA ERDA STAT
(ELR ORDER # 80062)

INTERSTATE COMMERCE COMMISSION

Contact: Mr. Richard I. Chais
Chief, Section of Energy
and Environment
Room 3373
12th & Constitution Ave., N.W.
Washington, D.C. 20423
(202) 275-7692

Draft — Date

Northwest Michigan Railroad Abandonment — 01/03

Michigan
County: several
Proposed is the abandonment and dismantling of the Chesapeake and Ohio Railway Company's branch line rail operations between Bay View and Manistee, a distance of approximately 145.89 miles. Adverse impacts include the elimination of rail service to 27 stations in the northwestern corner of the lower peninsula of Michigan and construction-related pollution due to salvage operations. (ELR ORDER # 80006)

Railroad Abandonment, Bonita Jct-Seagoville — 01/19

Texas
County: Several
The Southern Pacific Transportation Company proposes to abandon 144.14 miles of branch line railroad between Bonita Junction and Seagoville, Texas. Adverse impacts include alterations in highway traffic volumes; highway deterioration; fuel consumption; and increased air and noise pollution. (DOCKET NO. AB12 - SUB-NO. 53)
(ELR ORDER # 80058)

DEPARTMENT OF LABOR

Contact: Mr. David R. Bell
Chief, Office of Environmental and Economic
Impact Assessment
Room N-3673
Washington, C.C. 20210
(202) 523-7076

Final — Date

Benzene, Occupational Exposure Standard — 01/27

Proposed is the regulation of employee exposure to benzene by setting a permissable exposure limit of 1 part benzene per million parts of air (1 ppm) as an 8-hour time-weighted average. The proposal also provides for employee exposure measurements, methods of compliance, protective clothing and equipment, medical surveillance, training, signs and labels, employee observation of monitoring, and record-keeping. Beneficial impact on the workplace environment is anticipated.
COMMENTS MADE BY: DOT ERDA HEW DOL
State and Local Agencies
Groups and Individuals
(ELR ORDER # 80082)

NUCLEAR REGULATORY COMMISSION

Contact: Mr. Voss A. Moore
Assistant Director for Environmental Projects
P-518
Washington, D.C. 20555
(301) 492-8446

Draft **Date**

Sundesert Nuclear Plant, Units 1 & 2 01/27

California
County: Riverside
This DEIS was prepared by the Nuclear Regulatory Commission and the Department of the Interior. Proposed is the issuance of a construction permit to San Diego Gas and Electric Company for construction of the Sundesert Nuclear Plant Units 1 and 2. The Plant is located in Riverside County, California, app. 8.9 km (5.5 miles) west of the Colorado River and 25.7 km (15.9 miles) south west of Blythe, California and will emply two pressurized-water reactors (PWR's) to produce up to 2785 megavatts thermal (MWT) for each unit.
NUREQ-0405
(ELR ORDER # 80081)

Final **Date**

Co-60 Spark-Gap Irradiators, Licensing Exemption 01/12

The statement concerns a proposed amendment to NRC regulations to exempt from requirements for a license the receipt, possession, use, transfer, export, ownership, or acquisition of spark-gap irradiators that contain cobalt-60 for use in spark-ignited fuel-oil burners. About 6000 microcurie of Co-60 could be distributed into the environment in 6000 discrete sources, each containing no more than 1 microcurie. Estimated external radiation doses to maximally exposed individuals are included.
COMMENTS MADE BY: USDA NRC ERDA EPA HEW DOT
state and local agencies
(ELR ORDER # 80034)

Radioactive Materials Transportation 01/16

This statement has been prepared in connection with the NRC re-evaluation of its present regulations governing air transportation of radioactive materials, to provide sufficient analysis to determine the effectiveness of the present rules and of possible alternatives to those rules. The statement discusses the environmental impact of radioactive material in all modes of transportation under the regulations in effect as of June 30, 1975. It then examines principal alternative modes to be considered.
COMMENTS MADE BY: TVA HEW EPA DOI FEA ERDA DOT
(ELR ORDER # 80041)

TENNESSEE VALLEY AUTHORITY

Contact: Dr. Peter Krenkel
Director of Environmental Planning
Tennessee Valley Authority
720 Edney Building
Chattanooga, Tennessee 37401
(615) 755-3161 FTC 854-3161

Final — Date

Yellow Creek Nuclear Plant — 01/31

Mississippi
County: Tishomingo
The proposed action is the construction and operation of a 2-unit nuclear plant in Tishomongo County, Mississippi. Baseloaded coal-fired and nuclear fueled units would help meet the 1985-1986 peak load. There would be a slight increase in temperature of water returned to Pickwick Lake. Fish larvae drawn into the closed cooling system could result in reductions of some adult and juvenile fish stocks in Yellow Creek embayment.
COMMENTS MADE BY: ERDA CEQ EPA FPC USDA FEA DOC DOD HEW HUD DOI
(ELR ORDER # 80092)

Maury-Shelby, 500-kV Transmission Line — 01/03

Tennessee
The proposed action is the construction and operation of a 500-kV transmission line which will connect the Maury 500-kV Substation, 2 miles north of Columbia, with the Shelby 500-kV Substation, 16 miles north of Memphis, Tennessee. The transmission lines will help serve the Memphis area. Project construction will result in the initial clearing and maintenance of 2,117 acres of woodland with associated timber production loss, animal habitat changes, and enhancement measures.
COMMENTS MADE BY: EPA DOI HEW FPC
state agencies
(ELR ORDER # 80002)

DEPARTMENT OF TRANSPORTATION

Contact: Mr. Martin Convisser, Director
Office of Environmental Affairs
U.S. Department of Transportation
400 7th Street, S.W.
Washington, D.C. 20590
(202) 426-4357

Federal Aviation Administration

Draft — Date

Walker County Airport — 01/13

Alabama
County: Walker
Proposed is the construction of a new Walker County Airport with a basic transport runway which will allow jets to use the airport facility. Plan implementation calls for runways and taxiways, lighting systems, parking, a service hangar, and roads. Adverse impacts include construction-related pollution; increased levels of air and noise pollution; and possible water impacts.
(ELR ORDER # 80036)

Development Projects, Lihue Airport — 01/25

Hawaii
County: Kauai
Lihue Airport is located in the southeastern coast of the island of Kauai, Kauai County, Hawaii, about two miles east of the town of Lihue. The basic objectives of the expansion/development are to reduce the impact of aircraft operations on schools and residential areas to the south of the airport and to provide a highly desired precision instrument approach capability
(ELR ORDER # 80078)

Lansing Municipal Airport, Improvements — 01/17

Illinois
County: Cook Lake
Proposed is an airport development program for the Lansing Municipal Airport in Lansing, Illinois. Plan implementation calls for the acquisition of 434.4 acres in fee simple and 14.5 acres in aviation easements; reconstruction and extension of Runway 9-27 from 75x2432 feet to 75x3800 feet; construction of 35,000 sq.yds. of aircraft apron, a north parallel taxiway to Runway 9-27, a visual slope indicator, one corporate hangar, 4 20-unit T-Hangars and a 10,000 sq. yd. parking lot; and the installation of lighting systems.
(ELR ORDER # 80045)

Final — Date

North Bend Municipal Airport Development — 01/16

Oregon
County: Coos
The proposed action involves the development of the North Bend Municipal Airport, North Bend, Oregon. Development items include: a runway extension of 1,987 feet on the Runway 4 end, a 200-foot runway safety area and an approach lighting system beyond the extended Runway 4 end, a fill of approximately 45.7 acres of the mudflat southwest of the existing Runway 4 end for the runway extension and runway safety areas, and a runway extension of 700 feet on the Runway 31 end. Adverse effects are loss of benthic flora and fauna, reduced area for recreation, and reduced productivity of the estuary as a whole.
COMMENTS MADE BY: EPA USDA DOC COE HEW HUD DOI DOT ERDA
(ELR ORDER # 80042)

Greenbrier Valley Airport — 01/30

West Virginia
County: Greenbrier
Proposed is the improvement of the Greenbrier Valley Airport in Lewisburg, West Virginia. The project includes construction of a runway and parallel taxiway extension, acquisition of 60 acres for a navigation easement for Clear Zone purposes, and relocation of the existing Approach Lighting System. Plans also call for the construction of additional aircraft parking apron, automobile parking facilities, and pavements to "T" hangars and General Aviation parking. The runway extension will allow a heavier operating payload for the B-737 aircraft, resulting in increased noise levels.
COMMENTS MADE BY: FAA CEQ EPA USDA HUD DOT
State and Local Agencies
Groups and Individuals
(ELR ORDER # 80089)

Federal Highway Administration

Draft — Date

Public Transportation Improvement Act, 1978 — 01/30

Proposed is the Highway and Public Transportation Improvement Act of 1978, to provide for the continuation of federal transportation assistance programs at significant levels, and the allocation of government transportation expenditures. The legislation would give the states and localities which carry out these programs a new ability to program their activities in a balanced and effective way. Consideration of energy conservation air quality, environmental quality, effects on minorities, housing, land use, and future development will be included.
(ELR ORDER # 80088)

Lafayette Railroad Relocation 01/05

Indiana
County: Tippecanoe
The proposed action is to relocate and consolidate the N&W and L&N railroad rights-of-way into one corridor through the city of Lafayette and to separate the major highway crossings from the combined railroad facilities. Approximately 4.2 miles of N&W double-track main line and 2.6 miles of L&N single-track main line would be relocated. Adverse impacts include the use of approximately 65 to 87 acres and the displacement of 14 to 61 residential units and 12 to 16 commercial establishments, depending upon the route selected; increased levels of air and noise pollution; and construction-related pollution. (Region 5)
(ELR ORDER # 80009)

IA-518, Lee County 01/05

Iowa
County: Lee
Proposed is the construction of a six-mile segment of Iowa State Arterial 518 in Lee County, Iowa. The proposed construction provides for a four-lane divided highway which would generally follow the present alignment of US 61/218 between US 61 and US 218. Four alternative routes are offered. Adverse impacts include the acquisition of between 63 and 275 acres of land, between 7 and 29 homes and 4 to 9 businesses, depending upon the alternative selected; construction-related pollution; and increased levels of air and noise pollution. (Region 7)
(ELR ORDER # 80013)

MI-20 Bridge Replacement, Big Rapids 01/04

Michigan
County: Mecosta
Proposed is the selection of a location and alignment for a bridge to replace the current structure carrying MI-20 (Maple Street) over the Muskegon River in the city of Big Rapids, Mecosta County, Michigan. Plan implementation calls for the construction of the bridge and reconstruction of approaches, including widening of up to 2100 feet (640 meters) of MI-20 in Big Rapids. Adverse impacts include the displacement of 0 to 24 residential units, depending upon the alternative selected, and 7 commercial establishments; increased traffic; and increased noise pollution.
(ELR ORDER # 80008)

MI-29, Reconstruction, Algonac 01/20

Michigan
County: St. Clair
Proposed is the reconstruction of 1.5 miles of MI-29 from the West City limits to Channelsyde Drive, City of Algonac, St. Clair County, Michigan. Several alternatives have been included. Adverse impacts include displacement of families, residential dwellings, and other structures; alteration of surface drainage patterns; removal of ornamental and natural vegetation; and construction-related impacts.
(FHWA-MICH-EIS-77-04-D)
(ELR ORDER # 80064)

TN-1, McMinnville to Sparta 01/25

Tennessee
County: Warren Van Buren White
The proposed action consists of the construction of app. 20 miles of State Route 1 from just east of McMinnville to Sparta, in Warren, White and Van Buren Counties, Tennessee. The proposed project extends northeasterly from a point at the end of the newly constructed section of TN-1, just west of the intersection of TN-1 and TN-30, to an eastern terminus at TN-111 near Sparta. The proposed highway is classified as a Principal Arterial in Tennessee's "1985 Statewide Functional Highway Classification Plan" and is planned as a four-lane facility.
FHWA-TN-EIS-77-09-D
(ELR ORDER # 80077)

Final Date

Carbondale R.R. Relocation Demonstration 01/24

Illinois
County: Jackson
The city of Carbondale, Illinois has been selected as a Railroad Demonstration site by the U.S. Congress in the Federal Aid Highway Act of 1973. This statement compares the effects and environmental impacts of various actions designed to alleviate the problems associated with railroad-highway conflicts in Carbondale. The actions investigated include railroad relocations, grade separations, signal and warning sevice improvements, and no action. Adverse effects include those associated with construction. (Region 5)
COMMENTS MADE BY: FEA HUD EPA HEW DOD DOC FPC CEQ OEO DOT ICC State and Local Agencies
Groups and Individuals
(ELR ORDER # 80071)

Louisiana North-South Expressway 01/19

Louisiana
County: several
This statement is an in-depth study which proposes the de-

velopment and recommendation of route locations and design features for approximately 300 miles of expressway in central and northern Louisiana. To facilitate analysis, the study area was initially divided into three legs. The first leg extended from Opelousas to Alexandria; the second from Alexandria to Shreveport; and the third from Alexandria to Monroe. Detailed studies have been made of the study corridor areas and the potential physical, social, economic, and environmental impacts of alternative alignments and design concepts. (Region 6)
COMMENTS MADE BY: COE DOT DOC USDA DOI EPA FPC GSA
(ELR ORDER # 80054)

F.A.S. Route 1270, Dundy County 01/13

Nebraska
County: Dundy
The proposed project consists of the upgrading and placement of a bridge on an 0.8 mile segment of county road (F.A.S. Route 1270) 0.3 mile east of Benkelman. Also included is grading, a gravel surface course, a major 1700 foot long channel change, and culverts. The proposed improvement is included in Dundy County's One and Six Year Plan with the intent that the completed project will be coordinated in a total intercounty network of roads throughout the state. Between 2.4 and 10 acres of land will be acquired for right-of-way. (Region 7)
COMMENTS MADE BY: COE DOI EPA USDA
(ELR ORDER # 80037)

Nebraska 370, Bellevue 01/17

Nebraska
County: Sarpy
Proposed is the improvement of two segments of approximately 1.25 miles of Nebraska 370 within the city of Bellevue from two to four lanes. The additional right-of-way for construction will require acquisition of two residences, two businesses, and the relocation of three mobile homes. Since a motel, one church, 73 homes and a number of businesses exceed the design noise levels, a full detailed study of all noise abatement measures will be made.
COMMENTS MADE BY: FAA USDA COE DOD EPA DOI
(ELR ORDER # 80046)

9.5 Mile N.H. Route 101 Relocation 01/18

New Hampshire
County: Rockingham
Proposed is the relocation of 9.5 miles of New Hampshire Route 101 from, roughly, Interstate Route 93 in Manchester to Interstate Route 95 in Hampton. Project termini are N.H. Route 101 approximately 2 miles west of Candia Center and N.H. Route 101 approximately 1.5 miles east of the town of Raymond. The road will be an ultimate 4-lane

facility, passing through rural wooded land. Adverse effects include acquisition of 260 acres of land and the relocation of two homes, one mobile home, one cabin, and two storage trailers. (Region 1)
COMMENTS MADE BY: EPA HUD DOI HEW USDA
(ELR ORDER # 80053)

LR 1061, Blair Co. Pennsylvania 01/26

Pennsylvania
County: Blair
The proposed highway improvement consists of a 14.5 mile portion of L.R. 1060 (T.R. 220), located in Logan and Antis Townships, Pennsylvania as part of the Appalachian Development Highway System. The project will displace a number of people and will result in increased noise and erosion. A 4(f) statement is included concerning a public park.
COMMENTS MADE BY: USDA DOC DOT EPA FEA HEW
State and Local Agencies
(ELR ORDER # 80080)

S.T.H. 83, Waukesha County 01/20

Wisconsin
County: Waukesha
Proposed is the improvement of S.T.H. 83 located in the southeastern part of Wisconsin in the Town and Village of Mukwonago. The termini of this 2.5 mile project area at the south is the new S.T.H. 83-S.T.H. 15 interchange and at the north, it is the existing S.T.H. 83. Project alternatives are to remain on the existing alignment, "do nothing," and relocate a new roadway. Adverse effects will vary depending upon the alternative chosen.
COMMENTS MADE BY: HUD DOI EPA DNR USDA HEW DOD DOT
(ELR ORDER # 80063)

Supplement Date

I-93, Littleton, N.H. - Waterford, Vt. (S-1) 01/30

New Hampshire Vermont
This statement is a supplement to a final EIS approved by the Department of Transportation July 8, 1974. The proposed action is the construction of a 4-lane, 6.5 mile section of Interstate 93 between New Hampshire Route 18 at Littleton, New Hampshire, and the Vermont bank of the Connecticut River in the Town of Waterford, Vermont. Adverse effects include the acquisition of 360 acres of land and the displacement of 2 families. (Region 1)

(ELR ORDER # 80087)

Urban Mass Transportation Administration

Final — Date

Metrobus Garage Facility — 01/11

Maryland
County: Montgomery
Proposed is the granting of federal capital grant assistance to the Washington Metropolitan Area Transit Authority for a Metrobus Garage and Maintenance Facility for 250 buses in Montgomery County, Maryland. The garage is proposed for suburban bus service particularly in conjunction with the future complementary operation of Metrobus-Metrorail. The EIS reviews 3 alternative sites for the new facility. Adverse impacts include the clearing of some woodlands.

COMMENTS MADE BY: DOT USDA EPA AHP
state and local agencies
concerned interest groups
(ELR ORDER # 80026)

Summary of 102 Statements Filed Through

1/31/78 (By Agency)

Agency	Draft 102's for actions on which no final 102's have been received	Final 102's on legislation and actions	Supplements	Total actions on which draft or final statements have been received
Agriculture, Department of	198	872	16	1086
Appalachian Regional Commission	1	0	0	1
Architect of the Capitol	0	1	0	1
Atomic Energy Commission	42	144	0	186
Canal Zone Government	0	2	0	2
Civil Aeronautics Board	0	2	0	2
Commerce, Department of	32	85	23	140
Consumer Product Safety Commission	0	1	0	1
Defense, Department of	10	9	1	20
Air Force	10	30	2	42
Army	0	33	3	36
Army Corps of Engineers	568	1181	49	1798
Navy	11	48	5	64
Delaware River Basin Commission	3	8	0	11
Energy, Department of	0	0	1	1
Energy Policy Office	0	1	0	1
Energy Research & Development Admin.	3	18	0	21
Environmental Protection Agency	62	130	6	198
Federal Energy Administration	11	14	6	31
Federal Maritime Commission	3	0	0	3
Federal Power Commission	81	71	6	158
Federal Trade Commission	1	0	0	1
General Services Administration	21	111	4	136
HEW, Department of	3	19	0	22
HUD, Department of	96	352	6	454
Interior, Department of	147	425	8	580
International Boundary and Water Commission -- U.S. & Mexico	0	10	0	10
Interstate Commerce Commission	12	17	0	29
Justice, Department of	2	3	0	5
Labor, Department of	7	7	0	14
National Aeronautics and Space Adm.	10	27	4	41
National Capitol Planning Comm.	5	9	0	14
National Science Foundation	0	7	0	7
New England River Basins Comm.	3	0	0	3
Nuclear Regulatory Commission	9	50	12	71
Office of Science and Technology	0	1	0	1
Ohio River Basin Commission	0	1	0	1
Pacific Northwest River Basins Comm.	3	0	0	3
Pennsylvania Ave. Devel. Corp.	0	1	0	1
Souris-Red-Rainy River Basins Comm.	1	0	0	1
State Department	3	7	0	10
Tennessee Valley Authority	7	32	0	39
Transportation, Department of	983	2440	44	3467
Treasury, Department of	4	7	0	11
Upper Mississippi River Basin Comm.	2	0	0	2
U.S. Postal Service	2	5	0	7
U.S. Water Resources Council	7	9	0	16
Veterans Administration	6	10	0	16
TOTALS	2369	6200	196	8765

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The 102 Monitor is a monthly publication of the Environmental Protection Agency. In addition to its listing of Environmental Impact Statements which have been filed under the provisions of the National Environmental Policy Act (NEPA), the Monitor contains a list of EPA's comments, filed under the provisions of section 309 of the Clean Air Act, as amended; items of current concern in NEPA case law; information on the environmental studies of the Council on Environmental Quality; and other matters of interest.

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